

Public Law 95-105
95th Congress

An Act

Aug. 17, 1977
[H.R. 6689]

To authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

Foreign Relations
Authorization
Act, Fiscal Year
1978.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1978".

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1978, 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", \$762,005,000.
- (2) For "International Organizations and Conferences", \$389,412,000.
- (3) For "International Commissions", \$21,839,000.
- (4) For "Education Exchange", \$94,600,000.
- (5) For "Migration and Refugee Assistance", \$63,554,000.
- (6) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

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

TRANSFER AUTHORITY

SEC. 102. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 101(a) (other than paragraph (6)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (6)), except that the total amount appropriated for a purpose described in any paragraph of section 101(a) (other than paragraph (6)) may not exceed the amount specifically authorized for such purpose by section 101(a) by more than 10 per centum.

CONTRIBUTION TO THE WORLD HEALTH ORGANIZATION

SEC. 103. Notwithstanding the limitation contained in the proviso in the paragraph under the subheading "Contributions to International Organizations" in title I of the Act of October 25, 1972 (86 Stat. 1110), \$7,281,583 of the amount authorized to be appropriated by section 101(a) (2) of this Act may be used to pay the unpaid portion

of the United States assessed contributions to the World Health Organization for the calendar years 1974 through 1977.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 104. Of the amount authorized to be appropriated by section 101(a) (5) of this Act, \$20,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

CONTRIBUTION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 105. (a) The Act entitled "An Act to authorize a contribution by the United States to the International Committee of the Red Cross", approved October 1, 1965 (Public Law 89-230; 79 Stat. 901) is repealed.

Repeal.

(b) Not to exceed \$1,000,000 shall be contributed annually by the United States to the International Committee of the Red Cross. Such sums as are necessary for this contribution shall be requested annually by the President and made available through the annual authorization and appropriation process.

FOREIGN SERVICE BUILDINGS

SEC. 106. (a) (1) Subsection (a) of the first section of the Foreign Service Buildings Act, 1926, is amended by striking out "pursuant to" in the first sentence and inserting in lieu thereof "to carry out".

22 USC 292.

(2) Subsection (b) of such section is amended by striking out "under authority of" and inserting in lieu thereof "to carry out".

(b) Section 6 of such Act is amended by striking out "of not less than ten years".

22 USC 297.

STRENGTHENING EDUCATIONAL EXCHANGE PROGRAMS

SEC. 107. (a) The Congress finds that—

(1) for over thirty years the United States program for the international exchange of teachers and scholars, begun by the Act of August 1, 1946 (60 Stat. 754; known as the "Fulbright Act of 1946"), has contributed significantly to the free flow of knowledge and to greater understanding between the United States and other nations;

(2) it is in the interest of the United States that this program be strengthened; and

(3) a still stronger educational exchange program can be attained by—

(A) diversifying exchange opportunities so as to assist persons from professional and public life to spend time in an academic setting and to assist teachers and scholars to spend time in professional and other pursuits in the public arena;

(B) providing sharper focus to exchange activities by bringing selected grant recipients together for joint work on themes and problems identified as having current significance in international affairs; and

(C) lengthening the period of some scholarships to allow work by grant recipients to be phased over more than one location.

Report to
Speaker of the
House of
Representatives
and congressional
committee.

(b) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on measures the Department of State has taken to strengthen educational exchange activities in accordance with subsection (a) of this section.

AMERICANS INCARCERATED ABROAD

22 USC
2151n-1.

Annual report to
Speaker of the
House and
congressional
committee.

SEC. 108. It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning February 15, 1978, the Secretary of State shall transmit annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals, including his assessment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.

ASSISTANT SECRETARIES OF STATE

Assistant
Secretary of State
for Human
Rights and
Humanitarian
Affairs.
22 USC 2384.

SEC. 109. (a) (1) (A) Paragraph (1) of section 624(f) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(f) (1) There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 502B of this Act through the Assistant Secretary."

Infra.

(B) Paragraph (2) of such section 624(f) is amended by striking out "Coordinator" and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2151n.

(2) Section 116(c) of such Act is amended by striking out "Coordinator" in the text preceding paragraph (1) and inserting in lieu thereof "Assistant Secretary".

22 USC 2304.

(3) Section 502B of such Act is amended—

(A) in subsection (b) by striking out "Coordinator" in the first sentence and inserting in lieu thereof "Assistant Secretary of State"; and

(B) in subsection (c) (1) by striking out "Coordinator" in the text preceding subparagraph (A) and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2314.

(4) Section 505(g) (4) (A) of such Act is amended by striking out "Coordinator" in the text preceding clause (i) and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2755.

(5) Section 5(d) (1) of the Arms Export Control Act is amended by striking out "Coordinator" in the text preceding subparagraph (A) and inserting in lieu thereof "Assistant Secretary of State".

Coordinator for
Human Rights
and Humanitarian
Affairs,
assumption of
duties.
22 USC 2384
note.

(6) The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section.

(7) Not later than January 31, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts.

Report to
Speaker of the
House and
congressional
committee.
22 USC 2384
note.

(b)(1) Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended—

(A) in subsection (a) (2), by striking out “Security and”;

(B) in subsection (b)—

Assistant
Secretary of State
for Consular
Affairs.

(i) in the first sentence by striking out “Security and” and all that follows through “Assistant Secretary of State” and inserting in lieu thereof “Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs”;

(ii) by striking out the second sentence; and

(iii) in the third sentence, by striking out “administrator” and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”;

(C) in subsection (d), by striking out “Security and”; and

(D) by repealing subsection (f).

Repeal.
8 USC 1105.

(2) Section 105 of such Act is amended by striking out “administrator” both places it appears and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”.

(3) Section 101(a) (1) of such Act is amended by striking out “administrator of the Bureau of Security and Consular Affairs of the Department of State” and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”.

8 USC 1101.

(4) The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.

8 USC 1104 note.

(5) Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.

(c) The first section of the Act entitled “An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes”, approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out “eleven” and inserting in lieu thereof “thirteen”.

(d) Section 5315 of title 5, United States Code, is amended—

(1) by repealing paragraph (1); and

(2) by striking out “(11)” in paragraph (22) and inserting in lieu thereof “(13)”.

SAINT LAWRENCE SEAWAY TOLL NEGOTIATIONS

SEC. 110. (a) There is established an advisory board (hereafter in this section referred to as the “Board”) to advise the Secretary of State with respect to the negotiations with Canada concerning toll increases on the Saint Lawrence Seaway and the Welland Canal.

Advisory board,
establishment.

Membership.

(b) The Board shall consist of 15 members appointed by the President from among representatives of groups in the Great Lakes area which would be affected most directly by increased tolls, including port directors, port authorities, maritime labor, shipping companies, shippers, and consumers.

Compensation.

(c) (1) Members of the Board shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-15 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

(2) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

Termination.

(d) The Board shall cease to exist on the date designated by the Secretary of State as the date on which the negotiations described in subsection (a) are completed or on September 30, 1978, whichever date occurs first.

LIABILITY OF CONSULAR OFFICERS**Repeals.**

SEC. 111. (a) (1) Sections 1735 and 1736 of the Revised Statutes of the United States (22 U.S.C. 1199) are repealed.

(2) The section analysis of chapter two of title XVIII of the Revised Statutes of the United States is amended by striking out the items relating to sections 1735 and 1736.

22 USC 1199
note.

(b) The repeals made by subsection (a) shall not affect suits commenced before the date of enactment of this Act.

CERTAIN NONIMMIGRANT VISAS

Applications,
recommendation
of approval.

22 USC 2691.

SEC. 112. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended by adding at the end thereof the following new section.

"SEC. 21. For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludible from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate."

Certification to
Speaker of the
House and Senate
committee.

PUBLIC PARTICIPATION IN STATE DEPARTMENT PROCEEDINGS

SEC. 113. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 112 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 22. (a) The Secretary of State may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

Compensation.
22 USC 2692.

"(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

"(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

"(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed \$250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons."

Funds,
availability.

(b) Subsection (a) shall become effective on October 1, 1977.

Effective date.
22 USC 2692
note.

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1978, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, 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 "Salary and expenses (special foreign currency program)", \$269,286,000.

(2) For "Special international exhibitions", \$4,360,000.

(3) For "Acquisition and construction of radio facilities", \$19,872,000.

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

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

TRANSFER AUTHORITY

SEC. 202. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 201(a) (other than paragraph (4)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (4)), except that the total amount appropriated for a purpose described in any paragraph of section 201(a) (other than paragraph (4)) may not exceed the amount specifically authorized for such purpose by section 201(a) by more than 10 per centum.

REPLACEMENT OF FACILITIES IN SOWETO, REPUBLIC OF SOUTH AFRICA

SEC. 203. The Director of the United States Information Agency shall prepare and submit to the Secretary of State plans for the

Plan, submittal
to Secretary.

22 USC 299. replacement under the Foreign Service Buildings Act, 1926, of the Agency's facilities in Soweto, Republic of South Africa.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

National
Archives,
depository for
master copies.

SEC. 204. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of—

(1) the film entitled "Hirshhorn Museum and Sculpture Garden";

(2) the film entitled "Man in the Environment"; and

(3) any of the films sponsored by the Agency for its two "Young Filmmakers Bicentennial Film Series";

and the Administrator shall make copies of such films available for public viewing within the United States.

USE BY THE JOHN FITZGERALD KENNEDY LIBRARY OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

SEC. 205. Notwithstanding the second sentence of section 501 of the United State Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services for deposit or use at the John Fitzgerald Kennedy Library in Boston, Massachusetts, copies of the following films and trims and outs:

Films.

"President Kennedy Address Canadian Parliament".

"United in Progress".

"America Welcomes Prime Minister Baldewa (Nigeria)".

"U.S. Welcomes Crown Prince Hassan (Libya)".

"America Welcomes Ayub Khan".

"America Welcomes President Aboud (Sudan)".

"Firm Alliance (Iran)".

"American Journey (Ivory Coast)".

"A Welcome Visitor (Nehru)".

"Hailie Selassie (Return Visit)".

"His Majesty, King Hassan (Morocco) Visits U.S.".

"Salute to an African Leader (Bourguiba-Tunisia)".

"Inauguration of John F. Kennedy".

"The Task Begun".

"Progress through Freedom".

"Forging the Alliance".

"Prime Minister of Somali Republic Visits U.S.".

"President Olympio of Togo Visits U.S.".

"Five Cities in June".

"From Uganda to America".

"President Ahidjo Visits U.S.".

"Mrs. Kennedy's Asian Journey".

"Invitation to India".

"Invitation to Pakistan".

TITLE III—BOARD FOR INTERNATIONAL
BROADCASTING

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended—

- (1) in the text preceding paragraph (1) by striking out "1977" and inserting in lieu thereof "1978"; and
- (2) in paragraph (1) by striking out "\$58,385,000" and inserting in lieu thereof "\$68,980,000".

TECHNICAL AMENDMENTS

SEC. 302. (a) Section 2 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871) is amended—

- (1) in paragraph (3) by striking out "(hereafter referred to as Radio Free Europe and Radio Liberty)," and inserting in lieu thereof "(commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated,";

- (2) in paragraph (4) by striking out "Radio Free Europe and Radio Liberty as" and inserting in lieu thereof "RFE/RL, Incorporated, as an"; and

- (3) in paragraph (5) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated";

(b) Section 3(b) of such Act (22 U.S.C. 2872(b)) is amended—

- (1) in paragraph (1) by striking out "Radio Free Europe and Radio Liberty" in the fourth sentence and inserting in lieu thereof "RFE/RL, Incorporated,"; and

- (2) in paragraph (4) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated".

(c) Section 4 of such Act (22 U.S.C. 2873) is amended—

- (1) in subsection (a) (1) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated,";

- (2) in subsection (a) (2)—

- (A) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated,"; and

- (B) by striking out "their" and inserting in lieu thereof "its";

- (3) in subsection (a) (3), by striking out "Radio Free Europe and Radio Liberty" each of the three places it appears and inserting in lieu thereof "RFE/RL, Incorporated,";

- (4) in subsection (a) (4) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated,";

- (5) in subsection (a) (8) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated,"; and

- (6) in subsection (b) by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated".

(d) Section 5 of such Act (22 U.S.C. 2874) is amended—

(1) in subsection (a) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”;

(2) in subsection (b) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”; and

(3) in subsection (c)—

(A) by striking out “the radio to which the grant is to be made” and inserting in lieu thereof “REF/RL, Incorporated,”; and

(B) by striking out “that radio” and inserting in lieu thereof “RFE/RL, Incorporated,”.

TITLE IV—FOREIGN SERVICE AND OTHER PERSONNEL

SERVICE AS CHIEF OF MISSION

SEC. 401. Section 431(c) of the Foreign Service Act of 1946 (22 U.S.C. 881(c)) is amended by inserting “or Reserve officer” immediately after “officer” both places it appears.

COMPENSATION OF ALIEN EMPLOYEES

SEC. 402. (a) Subsection (b) of section 444 of the Foreign Service Act of 1946 (22 U.S.C. 889(b)) is amended by inserting “and any other establishments of the Government, including those in the legislative and judicial branches,” immediately after “Government agencies”.

(b) (1) Such section 444 (22 U.S.C. 889) is further amended by adding the following new subsection at the end thereof:

“(c) (1) The head of any agency of the United States, including any agency of the legislative or judicial branch of the United States, may compensate any current or former alien employee, including an alien employee who worked under a personal services contract, who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of an alien employee of the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the alien’s employment by the United States. Such compensation may not exceed an amount that such agency head determines approximates the salary and other benefits to which such employee or former employee would have been entitled had he or she remained employed during the period of such imprisonment, and may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of making payments authorized by this subsection, the head of any such agency shall have the same powers with respect to imprisoned alien employees and such former employees as any head of an agency under the provisions of subchapter VII of chapter 55 of title 5, United States Code, to the extent that such powers are consistent with this paragraph. Any period of imprisonment of an alien which is compensable under this subsection shall be considered for purposes of any other employee benefit to be a period of employment by the United States Government, except that a period of imprisonment shall not be creditable—

“(A) for purposes of subchapter III of chapter 83 of title 5, United States Code, unless the individual either—

Imprisonment
resulting from
employment by
United States,
continued
compensation.

5 USC 5561.

5 USC 8331.

"(i) was subject to section 8334(a) of such title during the period of his or her Government employment last preceding the imprisonment; or

"(ii) qualifies for annuity benefits under such subchapter III by reason of other service; or

5 USC 8331.

"(B) for purposes of subchapter I of chapter 8 of title 5, United States Code, unless the individual was employed by the United States Government at the time of his or her imprisonment.

"(2) No compensation or other benefit shall be awarded under paragraph (1) unless a claim therefor is filed within three years after—

Compensation claims, filing.

"(A) the date of the enactment of this subsection;

"(B) the termination of the period of imprisonment giving rise to the claim; or

"(C) the date of the claimant's first opportunity to file such a claim, as determined by the appropriate agency head; whichever is later.

"(3) The Secretary of State may prescribe regulations governing payments under this subsection for the guidance of all agencies."

Regulations.

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to all past, present, and future qualified employees, but no monthly compensation or annuity payment under title 5, United States Code, that may be approved by reason of such amendment shall be effective prior to the first day of the first month which begins on or after the date of enactment of this Act or October 1, 1977, whichever is later. Payments that may be authorized under such amendment, other than annuity or monthly compensation payments referred to in the preceding sentence, shall be paid from funds appropriated after such date of enactment for salaries and expenses.

Effective date.

22 USC 889 note.

5 USC 101 *et seq.*

AMBASSADORS FOR SPECIAL MISSIONS

SEC. 403. Section 501(c) of the Foreign Service Act of 1946 (22 U.S.C. 901(c)) is amended by inserting immediately before the period at the end thereof the following: "if the President, before conferring such rank, reports in writing to the Committee on Foreign Relations of the Senate his intent to confer such rank and transmits therewith all materials relating to any potential conflicts of interest relevant to such person".

Presidential report to congressional committee.

CITIZENSHIP REQUIREMENT

SEC. 404. Section 515 of the Foreign Service Act of 1946 (22 U.S.C. 910) is amended by striking out "and has been such for at least ten years".

CAREER CANDIDATE PROGRAM

SEC. 405. Section 516 of the Foreign Service Act of 1946 (22 U.S.C. 911) is amended by—

(1) amending the section heading to read "Admission to Class 6, 7, or 8";

(2) striking out "shall" and inserting in lieu thereof "may" in the last sentence of subsection (a); and

(3) adding the following subsection at the end thereof:

"(c) Foreign Service officer candidates who have passed examinations described in subsection (a) may be appointed by the Secretary, under such regulations as he may prescribe, for a trial period of service as Foreign Service Reserve officers of class 7 or 8. Such appoint-

Foreign Service Reserve officers, trial period.

Report to
President.

22 USC 1008.

ments shall be limited to a maximum of 48 months, but may be extended for up to 12 additional months if the Secretary deems such extension to be in the public interest. Such Reserve officers may receive promotions up to class 6 for satisfactory performance during such trial period. The Secretary shall furnish the President with the names of such Reserve officers who have demonstrated fitness and aptitude for the work of the Service and whom he recommends for appointment as Foreign Service officers in the class corresponding to their Reserve officer class. The Secretary may terminate the services of such Reserve officers at any time under section 638.”.

REASSIGNMENT OF CHIEFS OF MISSION

SEC. 406. Section 519 of the Foreign Service Act of 1946 (22 U.S.C. 914) is amended by—

- (1) inserting “, or a Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System,” immediately after “officer”; and
- (2) striking out “in accordance with the provisions of section 514” and inserting in lieu thereof “to another position in accordance with this or any other Act”.

CITIZENSHIP REQUIREMENT

SEC. 407. Section 522 of the Foreign Service Act of 1946 (22 U.S.C. 922) is amended by striking out “and who has been such for at least five years” in the text preceding paragraph (1).

PRESIDENTIAL APPOINTMENTS

SEC. 408. Section 571(b) of the Foreign Service Act of 1946 (22 U.S.C. 961(b)) is amended by—

- (1) inserting “or Reserve officer” immediately after “officer” the first time the latter appears; and
- (2) striking out “a Foreign Service” the second time the phrase appears and inserting in lieu thereof “such an”.

TECHNICAL AMENDMENTS

SEC. 409. (a) Section 811(d) of the Foreign Service Act of 1946 (22 U.S.C. 1071(d)) is amended by striking out “July 1, 1921” in the table and inserting in lieu thereof “July 1, 1924”.

(b) Section 821(g) of the Foreign Service Act of 1946 (22 U.S.C. 1076(g)) is amended by striking out “married” and inserting in lieu thereof “unmarried” in the first sentence.

DEATH GRATUITIES FOR FOREIGN SERVICE ALIEN EMPLOYEES

SEC. 410. (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 (22 U.S.C. 2679a(d)), is amended by—

- (1) striking out “national” and inserting in lieu thereof “employee”; and
- (2) striking out “or” immediately after “consular agent,”; and
- (3) inserting immediately before the semicolon at the end thereof “, or an alien employee appointed under section 541 of the Foreign Service Act of 1946”.

22 USC 946.

(b) The amendments made by subsection (a) shall apply with respect to deaths occurring on or after August 1, 1974, and any benefits authorized by those amendments shall be paid from funds appropriated after the date of enactment of this Act for salaries and expenses.

Effective date.
22 USC 2679a
note.

SPECIAL ANNUITY FOR CERTAIN OFFICERS SELECTED-OUT FROM THE FOREIGN SERVICE

SEC. 411. (a) Subject to the conditions established in subsection (b), any Foreign Service officer—

Requirements.
22 USC 1004
note.

(1) who was retired under section 633(a)(1) of the Foreign Service Act of 1946 before the date of enactment of this section;

22 USC 1003.

(2) who was not in class 1, 2, or 3 at the time of retirement;

(3) who was 40 years of age or older at the time of retirement; and

(4) who had at least 20 years of service, exclusive of credit for unused sick leave, creditable for purposes of section 821 of such Act at the time of retirement;

22 USC 1076.

shall be entitled to receive retirement benefits in accordance with the provisions of such section 824 in lieu of any retirement benefits which the officer may be entitled to elect under section 634(b)(2) of such Act. Such retirement benefits shall be paid from the Foreign Service Retirement and Disability Fund and shall be effective on the date the officer reaches age 50, the date of enactment of this section, or October 1, 1977, whichever date is latest.

22 USC 1004.

(b) Retirement benefits may not be paid under this section unless (1) any refund of contributions paid to the officer under section 634(b)(2) of the Foreign Service Act of 1946 is repaid to the Foreign Service Retirement and Disability Fund, with interest, in accordance with sections 811 (d) and (f) of such Act; and (2) the service forming the basis for such retirement benefits is not used as the basis for any other retirement benefits under any retirement system.

22 USC 1071.

(c) In the event that an officer who is entitled to retirement benefits under this section dies before reaching the age of fifty, but after the date of enactment of this section, his or her death shall be considered a death in service within the meaning of section 832 of the Foreign Service Act of 1946, except that no survivor's annuity (other than a survivor's annuity which would be payable under the first complete sentence in section 634(b)(2) of such Act but for the enactment of this section) shall become effective before October 1, 1977.

22 USC 1082.

22 USC 1004.

(d) An officer entitled to retirement benefits under this section may make the election described in section 821 (b) or (f), as appropriate, of the Foreign Service Act of 1946 at any time before reaching the age of fifty or before the end of the sixty-day period beginning on the date of enactment of this section, whichever is later.

22 USC 1076.

COMPENSATION FOR JUNIOR FOREIGN SERVICE OFFICERS

SEC. 412. (a) (1) Paragraph (2) of section 5541 of title 5, United States Code, is amended—

Definitions.

(A) by striking out "or" at the end of clause (xii);

(B) by striking out the period at the end of clause (xiii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following clauses:

“(xiv) a ‘Foreign Service officer’ within the meaning of section 401 of the Foreign Service Act of 1946; or

“(xv) a ‘Foreign Service information officer’ as provided for by the first section of the Act entitled ‘An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the United States Information Agency through establishment of a Foreign Service Information Officer Corps’, approved August 20, 1968.”

Effective date.
5 USC 5541 note.
Per annum
salary, increase.
22 USC 867 note.

(2) The amendments made by paragraph (1) shall take effect on October 1, 1978.

(b) (1) The President shall increase the amount of each rate of per annum salary in classes 5 through 8 of Foreign Service officers in the table contained in section 412 of the Foreign Service Act of 1946 (22 U.S.C. 867), by \$250.

(2) Pay may not be paid, by reason of the increase provided under paragraph (1), at a rate in excess of the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

Foreign Service
Reserve officers,
pay increase,
prohibition.
Effective date.

(3) Notwithstanding the provisions of section 414 of the Foreign Service Act of 1946 (22 U.S.C. 869), the rate of per annum salary of a Foreign Service Reserve officer shall not be increased by reason of the increase made by paragraph (1).

(4) The increase made by reason of paragraph (1) shall apply with respect to pay periods beginning on or after October 1, 1978, and shall be in addition to any increase or adjustment made under subchapter I of chapter 53 of title 5, United States Code.

5 USC 5301 et
seq.

EMPLOYMENT OF FOREIGN SERVICE SPOUSES

22 USC 2693.

SEC. 413. (a) The Secretary of State shall, when employing persons to fill jobs outside the United States to which career Foreign Service personnel are not customarily assigned, including temporary and local hire jobs, give equal consideration to employing qualified family members of United States Government employees (including family members of Foreign Service personnel) assigned to duties outside the United States. Such employment may not be used to avoid fulfilling the need for fulltime career positions.

Career counseling
and assistance.

(b) To facilitate the employment by the Department of State, or by other employers, of the spouses of Foreign Service personnel, the Secretary may—

(1) provide regular career counseling for such spouses;

(2) maintain a centralized system for cataloging their skills and the various, governmental and nongovernmental, overseas employment opportunities available to such spouses; and

(3) otherwise assist such spouses in obtaining overseas employment.

(c) Any member of a family of Foreign Service personnel may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the Chief of the United States Diplomatic Mission in such country, damage the interests of the United States.

(d) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the committee on Foreign Relations of the Senate a report on actions the Department of State has taken to carry out the provisions of this section.

Report,
transmittal to
Speaker of the
House and Senate
committee.

LANGUAGE TRAINING FOR FOREIGN SERVICE SPOUSES

SEC. 414. (a) It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946 in order to increase the language training opportunities available to the family members of Foreign Service personnel.

22 USC 1041
note.

22 USC 1041.

(b) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report discussing—

Report,
transmittal to
Speaker of the
House and Senate
committee.
Contents.

(1) actions he has taken in accordance with subsection (a) of this section; and

(2) any budgetary or other obstacles which prevent the Department of State from making available a comprehensive language training program for the families of Foreign Service personnel.

TITLE V—MISCELLANEOUS PROVISIONS

STRENGTHENING INTERNATIONAL INFORMATION, EDUCATION, CULTURAL, AND BROADCASTING ACTIVITIES

SEC. 501. Not later than October 31, 1977, the President shall transmit to the chairman of the Committee on International Relations of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his recommendations for reorganizing the international information, education, cultural, and broadcasting activities of the United States Government. Such recommendations shall take into account the findings and reports of the Panel on International Information, Education, and Cultural Relations; the Commission on the Organization of the Government for the Conduct of Foreign Policy; the General Accounting Office; and the United States Advisory Commission on Information.

Presidential
recommendations,
transmittal
to congressional
committees.

BELGRADE CONFERENCE

SEC. 502. The Congress finds that the Belgrade Conference to review compliance with the Helsinki Accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Shcharansky and urges the United States representatives to the Belgrade Conference to express the official concern of the United States over the Shcharansky case.

UNITED NATIONS REFORM

SEC. 503. (a) The United States should make a major effort toward reforming and restructuring the United Nations system so that it might become more effective in resolving global problems. Toward that end, the United States should present a program for United Nations reform to the Special United Nations Committee on the Charter of the United Nations and on Strengthening of the Role of the Organization. In developing such a program the United States should give appropriate consideration to various possible proposals for reforming the United Nations, including but not limited to proposals which would—

General
Assembly,
proposed voting
power
adjustment.
Security Council,
proposed veto
power
modification.

(1) adjust decisionmaking processes in the United Nations by providing voting in the General Assembly weighted according to population and contributions and by modifying veto powers on certain categories of questions, such as membership recommendations, in the Security Council;

(2) foster greater use of the International Court of Justice by the United States and other members of the United Nations;

(3) supplement United Nations finances through contributions from commerce, services, and resources regulated by the United Nations;

(4) improve coordination of and expand United Nations activities on behalf of human rights;

(5) establish more effective United Nations machinery for the peaceful settlement of disputes, including means for the submission of differences to mediation or arbitration;

(6) adjust assessment scale calculations to reflect more accurately the actual ability of member nations to contribute to the United Nations and its specialized agencies; and

(7) provide greater coordination of United Nations technical assistance activities by the United Nations Development Program.

Presidential
report, submittal
to Speaker of the
House and Senate
committee.

(b) Accordingly, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, as soon as possible, but no later than January 31, 1978, on his recommendations for reform of the United Nations.

INFORMATION OFFICES IN THE UNITED STATES

SEC. 504. It is the sense of the Congress that any foreign country should be allowed to maintain an information office in the United States if maintenance of such office is consistent with United States law.

REPARATIONS FOR VIETNAM

Payment
prohibition.
22 USC 2151
note.
MIA,
accounting.

SEC. 505. (a) None of the funds authorized to be appropriated in this Act shall be used for the purpose of reparations, aid, or any other form of payment to the Socialist Republic of Vietnam.

(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

PANAMA CANAL

SEC. 506. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this Act must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

SEC. 507. (a) The President shall take appropriate steps to ensure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies in agriculture, in industry, and in the production and conservation of energy.

(b) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant and cheap, the purposes being to insure that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

"Light capital technologies."

INTER-AMERICAN FOUNDATION

SEC. 508. Section 401(s) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended—

(1) by inserting "(1)" immediately after "(s)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated not to exceed \$25,000,000 for each of the fiscal years 1979 and 1980 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

Appropriation authorization.

FOREIGN EMPLOYMENT

SEC. 509. (a) Subject to the condition described in subsection (b), the consent of Congress is granted to—

(1) any retired member of the uniformed services,

(2) any member of a Reserve component of the Armed Forces,

and

(3) any member of the commissioned Reserve Corps of the Public Health Service,

to accept any civil employment (and compensation therefor) with respect to which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government.

Congressional consent.
37 USC 801 note.

USC prec. title 1.

(b) No individual described in subsection (a) may accept any employment or compensation described in such subsection unless the Secretary concerned and the Secretary of State approve such employment.

Definitions.

(c) For purposes of this section, the term—

(1) “uniformed services” means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration;

(2) “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) “Secretary concerned” means—

(A) the Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

(B) the Secretary of the Navy, with respect to retired members of the Navy and the Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

(C) the Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

(D) the Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

(E) the Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

(F) the Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.

Repeal.

(d) (1) Section 1032 of title 10, United States Code, is repealed.

(2) The section analysis for chapter 53 of such title is amended by striking out the item relating to section 1032.

10 USC 280.

(3) Section 280 of such title is amended by striking out “1032.”

INTERNATIONAL FOOD RESERVE

**22 USC 2220
note.**

SEC. 510. (a) The Congress finds and declares that—

(1) half a billion people suffer from malnutrition or undernutrition;

(2) very modest shortfalls in crop production can result in widespread human suffering;

(3) increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) the World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

(6) the Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) little progress has resulted from the initial multilateral discussions toward the negotiation of an international grain reserve system;

(8) this lack of progress is caused, in part, by lack of leadership in such discussions; and

(9) the United States is in a unique position as the world's most important producer of foodstuffs to provide such leadership.

(b) It is therefore the sense of the Congress that the President should initiate a major diplomatic initiative toward the creation of an international system of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

NEGOTIATIONS WITH CUBA

SEC. 511. (a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

22 USC 2151
note.

(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

UNITED STATES POLICY TOWARD KOREA

SEC. 512. (a) The Congress declares that—

22 USC 2428a.

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b) (1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

Presidential
consultation with
Congress.
Presidential
report,
transmittal to
Speaker of the
House and Senate
committees.

(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.

UNITED NATIONS SPECIAL SESSION ON DISARMAMENT

Report,
transmittal to
congressional
committees.

SEC. 513. Noting the decision of the United Nations General Assembly to convene a special session on disarmament in the spring of 1978 and recognizing the important role that comprehensive disarmament could play in securing world peace and economic development, the Congress requests that, at an appropriate date, the Secretary of State report to the appropriate committees of the Congress on the procedures which the executive branch is following in preparing for the special session on disarmament and on United States objectives for that special session.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Appropriation
authorizations.

SEC. 514. (a) Section 2(2) of the Act entitled "An Act to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem", approved September 19, 1966 (22 U.S.C. 277d-31), is amended by inserting immediately after "\$25,000" the following: "based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(b) Section 3 of the Act entitled "An Act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes", approved August 10, 1964 (22 U.S.C. 277d-28), is amended by inserting immediately after "\$30,000" the following: "based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(c) Section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d-3) is amended by striking out "\$100 per diem" in the second sentence and inserting in lieu thereof "the maximum daily rate for grade GS-15 of the General Schedule".

Effective date.
22 USC 277d-3
note.

(d) The amendments made by this section shall take effect on October 1, 1977.

FOREIGN GIFTS AND DECORATIONS

SEC. 515. (a) (1) Section 7342 of title 5, United States Code, is amended to read as follows:

"§ 7342. Receipt and disposition of foreign gifts and decorations

Definitions.

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

"(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

"(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

“(D) a member of a uniformed service;
 “(E) the President and the Vice President;
 “(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and 5 USC 2106.

“(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F); 26 USC 152.

“(2) ‘foreign government’ means—

“(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

“(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

“(C) any agent or representative of any such unit or such organization, while acting as such;

“(3) ‘gift’ means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

“(4) ‘decoration’ means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

“(5) ‘minimal value’ means a retail value in the United States at the time of acceptance of \$100 or less, except that—

“(A) on January 1, 1981, and at 3 year intervals thereafter, ‘minimal value’ shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and “Minimal value,” triennial redefinition.

“(B) regulations of an employing agency may define ‘minimal value’ for its employees to be less than the value established under this paragraph; and

“(6) ‘employing agency’ means—

“(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c) (2) (A), (e), and (g) (2) (B) shall be carried out by the Clerk of the House;

“(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

“(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

“(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

“(b) An employee may not—

“(1) request or otherwise encourage the tender of a gift or decoration; or Prohibited conduct.

“(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

Gifts, acceptance.

“(c) (1) The Congress consents to—

“(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

“(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

Designation as
U.S. property.

“(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

“(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

Gifts, deposition.

“(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1) (B) (ii)), an employee shall—

“(A) deposit the gift for disposal with his or her employing agency; or

“(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).

Employee
statement, filing.

“(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1) (B) (ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

Decorations,
acceptance and
deposition.

“(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).

Gifts and
decorations,
disposal.

“(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer,

donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

40 USC 471 note.

“(f) (1). Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c) (3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

List, transmittal to Secretary of State. Publication in Federal Register.

“(2) Such listings shall include for each tangible gift reported—

Contents.

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance;

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

“(D) the date of acceptance of the gift;

“(E) the estimated value in the United States of the gift at the time of acceptance; and

“(F) disposition or current location of the gift.

“(3) Such listings shall include for each gift of travel or travel expenses—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance; and

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

“(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

CIA list, deletions.

“(g) (1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

Regulations.

“(2) Each employing agency shall—

“(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

“(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

“(C) take any other actions necessary to carry out the purpose of this section.

“(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.

Civil actions. Jurisdiction.

Penalty.

“(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

“(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

“(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.”.

22 USC 2458a.
Effective date.
5 USC 7342 note.
Gifts, purchase
limitation.
22 USC 2694.

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

(b) (1) After September 30, 1977, no appropriated funds, other than funds from the “Emergencies in the Diplomatic and Consular Service” account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5, United States Code) for any foreign individual unless such gift has been approved by the Congress.

Report,
transmittal to
Speaker of the
House and Senate
committee.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-231 (Comm. on International Relations) and No. 95-537 (Comm. of Conference).

SENATE REPORT No. 95-194 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 4, considered and passed House.

June 16, considered and passed Senate, amended.

July 28, Senate agreed to conference report.

Aug. 3, House agreed to conference report.