

**SEC. 1615. DELEGATION AND ASSIGNMENT.**

Except where otherwise expressly prohibited by law or otherwise provided by this Act, the head of a transferee agency may delegate any of the functions transferred to the head of the transferee agency under section 1601 and any function transferred or granted to such head of the transferee agency after the appropriate effective date specified in section 1601 to such officers and employees of the transferee agency as the head of the transferee agency may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the head of the transferee agency under this section or under any other provision of this title shall relieve such head of the transferee agency of responsibility for the administration of such functions.

**SEC. 1616. RULES.**

The head of a transferee agency may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the head of the transferee agency determines necessary or appropriate to administer and manage the functions of the transferee agency after the transfer of functions to the agency under this title.

**SEC. 1617. INCIDENTAL TRANSFERS.**

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions abolished or transferred under this title, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

**SEC. 1618. EFFECT ON CONTRACTS AND GRANTS.**

(a) **PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.**—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the date of abolition of such agency under this division;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) **EXCEPTION.**—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) **EVALUATION AND TERMINATION OF EXISTING CONTRACTS.**—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date of the abolition of the agency under this division in order to determine if the cost of abrogating such contracts before that date would exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

**SEC. 1619. SAVINGS PROVISIONS.**

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regu-

lations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time of the appropriate effective date specified in section 1601, or were final before such effective date and are to become effective on or after such effective date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the transferee agency concerned or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before a transferor agency at the time this title takes effect for the agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the appropriate effective date specified in section 1601, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against a transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by a transferor agency relating to a function transferred under this title may be continued by the transferee agency with the same effect as if this title had not been enacted.

**SEC. 1620. SEPARABILITY.**

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

**SEC. 1621. OTHER TRANSITION AUTHORITIES.**

The head of a transferee agency may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the transferee agency under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 1622. ADDITIONAL CONFORMING AMENDMENTS.**

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional tech-

nical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

**SEC. 1623. FINAL REPORT.**

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development, and a projection of the personnel end-strengths of the Foreign Service and the Senior Foreign Service as of September 30, 1999.

**SEC. 1624. DEFINITIONS.**

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferee agency" means—

(A) the Department of State, with respect to functions transferred under section 1601(a);

(B) the Broadcasting Board of Governors of the Department of State, with respect to functions transferred under section 1601(b);

(C) the Chief Financial Officer of the Department of State, with respect to functions transferred under section 1601(c); and

(D) the Inspector General for Foreign Affairs of the Department of State, with respect to functions transferred under section 1601(d); and

(6) the term "transferor agency" refers to each of the following agencies:

(A) The United States Arms Control and Disarmament Agency, with respect to the functions transferred under section 1601(a)(1).

(B) The United States Information Agency (exclusive of the Broadcasting Board of Governors), with respect to the functions transferred under section 1601(a)(2).

(C) The Agency for International Development, a component of the International Development Cooperation Agency, with respect to the functions transferred under section 1601(a)(3).

(D) The International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan), with respect to the functions transferred under section 1601(a)(3).

(E) The Broadcasting Board of Governors, with respect to the functions transferred under section 1601(b).

(F) The Officer of the Chief Financial Officer, Agency for International Development, with respect to the functions transferred under section 1601(c).

(G) The Office of Inspector General, United States Information Agency, with respect to the functions transferred under section 1601(d)(1).

(H) The Office of Inspector General, Agency for International Development, with respect to the functions transferred under section 1601(d)(2).

## ORDERS FOR SATURDAY, DECEMBER 16, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. on Saturday, December 16, that following the prayer, the Journal of proceedings be deemed approved to date, no

resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 12 noon, with Senators to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DOLE. Let me indicate for the information of all Senators, as I said before, we will probably discuss the Labor-HHS bill, the motion to proceed. Maybe we will work that out. We will also maybe resume consideration of the DOD authorization conference report or any other available conference reports, and as I have stated, I do not believe there will be any rollcall votes. If there are, we will try to give everybody ample notice or arrange to have a vote at a later date or work out a voice vote of some kind.

#### ORDER FOR ADJOURNMENT

Mr. DOLE. So, if there is no further business to come before the Senate, I ask that, after the Senator from California, Senator BOXER, speaks, that the Senate stand in adjournment under the previous order—unless there is any other Senator wishing to speak? OK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

#### GOVERNMENT SHUTDOWN

Mrs. BOXER. I thank the majority leader. It has been a very difficult day. It is very late. I will not go on at length.

I just feel we are fortunate here, as Members of the U.S. Senate, even though we are working very long and hard, and it is very stressful, at least we know we are going to get our paycheck. But, unfortunately there are those very hard-working families tonight who really do not know if they will get their paychecks. About 350,000 families are adversely impacted because tonight the Congress was not able to pass a continuing resolution to send a signal to the entire country that we can keep this Government operating.

I do not want it to be lost, as we end here this evening. I do not want the people out there to think that they are forgotten. I also do not want people to think that who are veterans who will not get their services, perhaps, as readily as they should come Monday, or people who need passports, or people who want to go to our parks. We certainly know tomorrow they will be inconvenienced for no good reason.

It may well be that Democrats and Republicans cannot come together on a long-term, 7-year balanced budget. It

may be that we will never be able to do that. I, for one, hope that we can and think that we can. I, for one, believe there are a few key areas where we could come together and get that balanced budget.

But surely we could come together to keep this Government operational for another week? I do not know what is happening here, but it seems to me, with all the anger I have seen on the Senate floor, we ought to put that aside for 10 minutes and pass a clean continuing resolution as our Democratic leader recommended. Yes, we have those outstanding debates. Yes, we will have to discuss them and resolve them. But we can keep this Government going instead of acting like little children who do not get their way and marching outside of the room and objecting when there is a very simple, straightforward suggestion that we can keep things going until—even Monday or Tuesday.

But, no, we are not going to do that. So, constituents of mine and others across this country who work for the Federal Government, like Ken Takada, a veterans claim examiner in Los Angeles are very concerned. He is not independently wealthy. He lives from paycheck to paycheck like most of us in America do. He could default on his student loans if he misses a paycheck. The day the Government shuts down, Ken has told us, he is going to have to go to the unemployment office and apply for benefits to keep his life going. He does not want to be on unemployment. He wants to work. And the veterans of southern California, who depend on him to handle their cases, want him to be at his post at the Federal building in Los Angeles.

Then there is Larry Drake and his wife, Joan. Larry works for the Bureau of Labor Statistics and Joan works at the Public Health Services. If the Government shuts down, both will be furloughed. Their family will lose 100 percent of its income. We do not know if they will get their back pay; perhaps they might, perhaps they might not. But what kind of way is that for us to act? We have a responsibility to the workers and to those that they serve. All we had to do is say "aye" to the Democratic leader when he said, "Put aside our problems. Let us keep the Government going at least until next week." Simple, straightforward, easy thing to do.

But, no, we cannot get it done.

I heard the majority leader over in the House, Mr. Arme, Representative ARMEY from Texas, who is the Republican majority leader over there, say, "Well, we didn't get a good enough budget from the President. We got a meager budget. Therefore we are not going to send over a clean debt extension." That is a little bit like a guard in a prison camp. "You haven't behaved. We are not going to give you your bread and water."

The fact is, these appropriations bills have not been done and there is a very

easy way to handle it. Wrap them in a continuing resolution. But, oh, no. The Republican leaders over in the House—and presumably we went along with it on this side, I am sad to say—they did not like what they got so they are not sending over a clean extension.

I would assume if the House did it, the Senate would have gone along.

Well, if we furlough Larry Drake and his wife Joan, what are they going to do? A two-income family and they are going to lose their income, either temporarily or for a longer time.

Then there is Ray Montgomery who works for the Census Bureau in Los Angeles. He is classified, even though he works for 40 hours a week, as an intermittent employee, so he will not get his back pay at all.

Ray told my office he is so worried about a second shutdown that he has not yet bought any Christmas presents for his family, and if the Government shuts down there will not be any presents at all. And Ray wrote to me, "For Heavens sakes, I am one paycheck away from being homeless. I work hard to be a credit to my country. I try to be a good representative of Government employees to the American people."

I just think it is a shameless situation. It is not necessary that we shut this Government down. We have a legitimate disagreement over how to balance the budget in 7 years. That is legitimate. It is a big problem. I am on the Budget Committee. I voted for two balanced budgets, one by BILL BRADLEY, one by KENT CONRAD. I am proud to have done it because it got to a balanced budget without hurting Medicare, Medicaid, without giving these outrageous tax breaks to the wealthiest who do not need them right now. For God sakes, put off the tax breaks until we have really balanced the budget. This is a phantom celebration. Give a tax break to the wealthy. People who earn \$350,000 a year are going to get back almost \$8,500 a year.

I mean really, while we cut Medicare and Medicaid and education and the environment and veterans, cops on the beat? Where are our values?

I say to my friend from Minnesota, Senator GRAMS is a very effective speaker. He says, when we say, on our side of the aisle, "Where are our values?" that the only value that is important—and I am paraphrasing him—is to balance the budget.

It is certainly important to balance the budget. Do you know the last time we had a surplus in this country was under Lyndon Johnson? Do you know the first President to get the deficit down 3 years in a row? Guess. Bill Clinton—the first one. George Bush and Ronald Reagan added more to the debt than all the Presidents from George Washington to Jimmy Carter. So Democratic Presidents take a back seat to no one in fiscal responsibility—no one. We are the ones who have a better record.

I have to say, there is a lot of anger on this floor. There is anger toward the