

18 August 1988
OCA 2811-88

MEMORANDUM FOR: Deputy Director for Administration
General Counsel
Director of Security
DGC/AS/OGC
C/ICAD/OGC
C/ALD/OGC
LD/OGC (Attn:)
PAO/DCI (Attn:)

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FROM: Legislation Division
Office of Congressional Affairs

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SUBJECT: Grassley Amendment - Conference Report

1. Attached for your information is a copy of the report of the conferees on H.R. 4775, the Fiscal Year 1989 Treasury, Postal Service and General Government Appropriations bill (Tab A - Congressional Record, 11 August 1988, pp. H6975-84; House Report 100-881). The report (p. H6982, amendment No 137) reflects the conferees agreement to reenact for Fiscal Year 1989 the so-called "Grassley amendment" restricting the use of secrecy agreements containing the term "classifiable".

2. As noted, the conferees agreed to restore the provision which was contained in the original House bill, H.R. 4775, but subsequently deleted by the Senate Appropriations Committee and thereafter passed in that form by the Senate (Tab E - copies of relevant pages of Senate-passed bill attached).

3. On 10 August, the Legislation and National Security Subcommittee on the House Government Operations Committee (chaired by Representative Brooks) held a hearing on the provision. Copies of the witness list and various witness' statements are attached for your information (Tab C). The hearing appears to have been held to build the support for

overcoming the Senate opposition to the amendment. In this regard, we understand that Senators Grassley and Proxmire, both members of the Senate Appropriations Committee, strongly supported reinclusion of the provision in the bill.

4. Swift action on the report is expected when the Congress returns in September and the President is expected to sign the legislation thereafter. This office and the Office of General Counsel are working to include favorable language on the matter in the President's signing statement.

5. The immediate effect of reenactment appears to be to preserve against a claim of mootness the appeal of the district court's decision holding the FY '88 version of the legislation unconstitutional.

6. Please contact us if you have any questions.



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Attachments
as stated

OCA, [redacted] 19 Aug 88

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Distribution:

- Orig - addressee(s)
- 1 - D/OCA (w/o att.)
- 1 - DD/LEG (w/o att.)
- 1 - OCA Records (w/att.)
- 1 - [redacted] Chrono (w/o att.)
- 1 - OCA/LEG Subj. File (Secrecy Agreements) (w/att.)

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FOR THE RECORD - A complete package of the attachments were given to DDA, DGC/AS/OGC and LD/OGC [redacted] Only Tab C, (Testimony) was given to [redacted] Others were sent a note asking them to call me for copies if they needed a complete package.

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nominated, and the other one who will be nominated shortly.

Is it not great to live in a land where we can all speak up and speak out? We can have a difference of opinion without having a difference of principle.

I have had a number of other jobs, but I have never had any position where I have had more voluminous mail than I have had as a Member of Congress, because as a Member of Congress, we are faced with all kinds of issues from every different point of view, whereby whether I was a public service commission, TVA Director, or president of a college, it was a specific issue, but now it is a broad range of issue.

Mr. Speaker, we have the message now, and I thank the Chair for giving me the opportunity to say a few words.

[Pursuant to the order of the House on Aug. 11, 1988, the following Conference Report was filed on Aug. 12, 1988].

CONFERENCE REPORT ON H.R. 4775

Mr. ROYBAL submitted the following conference report and statement on the bill (H.R. 4775) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-881)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 13, 14, 29, 32, 48, 51, 52, 54, 57, 59, 70, 79, 82, 83, 84, 86, 87, 94, 95, 96, 108, 109, 110, 111, 112, 115, 118, 119, 120, 126, 130, 136, 139, 140, 147, 148, 150, 151, and 155.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 17, 18, 20, 21, 22, 23, 36, 37, 38, 40, 55, 58, 64, 65, 66, 67, 69, 73, 78, 99, 101, 103, 104, 105, 107, 114, 123, 124, 125, 127, 128, 129, 131, 132, 133, 134, and 135.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed \$22,000 for official reception and representation expenses; not to exceed \$200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his cer-

tificate, not to exceed \$575,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; \$59,618,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,000,000 for official travel expenses; and not to exceed \$73,000 for official reception and representation expenses; \$22,000,000.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$277,230,000; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$13,237,000; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$234,000,000; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$1,025,411,000; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the number proposed by said amendment insert \$16,739; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$47,000,000; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$1,740,353,000; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,800,000; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,800,000; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$1,434,921,000; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$357,500,000; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$16,850,000; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$225,000; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$119,820,000; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$532,865,000; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named by said amendment, insert \$11,000,000; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$200,000,000; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$108,000,000; and the Senate agree to the same.

Amendment numbered 106:

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert 509A; and the Senate agree to the same.

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Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert 618; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named, insert 624; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 10, 11, 16, 25, 31, 35, 39, 41, 42, 44, 45, 46, 47, 49, 53, 60, 62, 63, 68, 71, 72, 74, 75, 76, 77, 80, 81, 85, 88, 89, 90, 91, 92, 93, 98, 100, 102, 113, 116, 117, 121, 122, 138, 141, 142, 143, 145, 146, 149, 152, 153, and 154.

EDWARD R. ROYBAL,
DANIEL K. AKAKA,
STENY H. HOYER,
RONALD D. COLEMAN,
EDWARD P. BOLAND,
SIDNEY R. YATES,
(except 92),

JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,

Managers on the Part of the House.

DENNIS DECONCINI,
WILLIAM PROXMIRE,
B.A. MIKULSKI,
JOHN C. STENNIS,
PETE DOMENICI,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4775) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—TREASURY DEPARTMENT
OFFICE OF THE SECRETARY

Amendment No. 1: Establishes separate appropriation accounts for the Office of the Secretary and International Affairs as proposed by the House instead of consolidating those accounts into one account as proposed by the Senate. Appropriates \$59,618,000 for salaries and expenses of the Office of the Secretary as proposed by the House and appropriates \$22,000,000 for international affairs. The Senate proposed total funding of \$83,000,000 for both accounts combined.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and instead by said amendment, insert the following:

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifteen for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: Provided, That the Center is authorized the acceptance of gifts: Provided further, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: Provided further, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 425 direct full-time equivalent positions for fiscal year 1989; \$34,664,000: Provided further, That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For acquisition, construction, improvements, and related expenses (to include design, equipment, furnishing, and other such costs) for the Federal Law Enforcement Training Center, \$20,000,000 to remain available until expended: Provided, That of this amount, \$7,000,000 shall remain available for the acquisition, renovation, and adaptation of the former Artesia Christian College campus in Artesia, New Mexico, as a facility of the Federal Law Enforcement Training Center: Provided further, That \$13,000,000 shall be available for the first phase of implementation of the Master Plan for the expansion of the Federal Law Enforcement Training Center at Glynnco, Georgia, and for on-going maintenance, facility improvements, and related equipment: Provided further, That the Master Plan for the Federal Law Enforcement Training Center shall make provision for construction of an advanced firearms training range for participating agencies with specialized firearms training requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates funds for salaries and expenses and for construction at the Federal Law Enforcement Training Center at Glynnco, Georgia. It also appropriates \$7,000,000 for acquisition, renovation and adaptation of the former Artesia Christian College campus in Artesia, New Mexico.

FINANCIAL MANAGEMENT SERVICE

Amendment No. 3: Appropriates \$277,230,000 for salaries and expenses instead of \$280,461,000 as proposed by the House and \$276,000,000 as proposed by the Senate.

Amendment No. 4: Makes available \$13,237,000 for systems modernization initia-

tives instead of \$11,737,000 as proposed by the House and \$14,737,000 as proposed by the Senate.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Amendment No. 5: Deletes appropriation language proposed by the House. This exact language is included in Amendment No. 22.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Amendment No. 6: Deletes language proposed by the Senate which would have exempted the bureau from the general purchase price limitation on police-type vehicles.

Amendment No. 7: Appropriates \$234,000,000 for salaries and expenses instead of \$231,003,000 as proposed by the House and \$240,000,000 as proposed by the Senate.

Amendment No. 8: Makes available \$15,000,000 for the Federal Alcohol Administration Act as proposed by the House instead of \$20,000,000 as proposed by the Senate.

Amendment No. 9: Establishes a base level of 3,701 full-time equivalent positions as proposed by the Senate instead of 3,451 as proposed by the House.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allocates 543 full-time equivalent positions to the Armed Career Criminal Apprehension Program.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making funds available for the purchase of certain equipment.

U.S. CUSTOMS SERVICE

Amendment No. 12: Appropriates \$1,025,411,000 for salaries and expenses instead of \$1,004,821,000 as proposed by the House and \$1,046,000,000 as proposed by the Senate.

CUSTOMS COOPERATION COUNCIL

The Conferees agree that the Commissioner of Customs is authorized to fund the 1989 Customs Cooperation Council annual meeting in 1989. Such funding is to come from monies appropriated in this Act for the Customs Service for Fiscal Year 1989.

The Customs Cooperation Council is a worldwide Customs group of 103 member nations, responsible for multi-national efforts to coordinate and make consistent the various Customs practices of member countries. The forum includes development of the Harmonized System of classification and numerous initiatives directed at facilitating world trade.

The Conferees note that U.S. participation in the Convention is an important component in overall world trading arrangements. It is in recognition of this factor that the Conferees authorize the Commissioner to fund the 1989 Customs Cooperation Council Convention.

OAKLAND AND SAN FRANCISCO SELECTION PROCESSING SITE

The Conferees direct the Customs Service not to take any action which would result in the consolidation of the Oakland and San Francisco Selection Processing Site functions at San Francisco airport. Nor may any steps be taken to reduce the staff or mission of the two facilities until such time as the Department holds public hearings to determine the impact of such actions and reports to the Committee on the results of those meetings and the need to consolidate these functions.

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U.S. CUSTOMS SERVICE EXPORT CLEARANCE

The Conferees note that the Kenai Peninsula in Alaska has experienced an increase in exports from Alaska going to overseas destinations. Vessels coming from overseas to pick up such exports must be cleared by the United States Customs Service when they arrive to pick up cargo destined for foreign markets.

Given that such trade authority is on the increase, the Conferees direct the United States Customs Service to study the feasibility of providing reimbursable services to the ports along the Kenai Peninsula with specific emphasis on in-place presence. The United States Customs Service shall submit a report of its analysis to the Senate and House Committees on Appropriations no later than February 1, 1989.

DELAYS AT U.S.-MEXICO PORTS OF ENTRY

The Conferees are encouraged by recent action taken by the U.S. Customs Service to reduce delays at U.S.-Mexico Ports of Entry. Nevertheless, traffic at the border continues to grow and the problem of delays will exist for the foreseeable future.

The Customs Service has testified that it is increasing personnel at the Southwest border and it now has the capability to staff all allotted inspection positions. The Conferees direct Customs to report on the effectiveness of the personnel increases and other steps being taken to reduce delays at commercial and passenger crossings.

As part of this report, the Conferees would like the Customs Service to evaluate the cooperation between Federal agencies with border responsibilities. Specifically, Customs should address the success of the Customs agreement with the Immigration and Naturalization Service to divide lane staffing duties on a fifty-fifty basis. Customs should evaluate its relationship with INS on the entire Southwest border and discuss particular successes and problems at these locations. The Customs Service should state its views on what steps need to be taken regarding current and potential problems that contribute to delays at the U.S.-Mexico Ports of Entry. This report should be provided to the House and Senate Committees on Appropriations no later than March 1, 1989.

Amendment No. 13: Restores a provision regarding the Customs User Fee account as proposed by the House.

Amendment No. 14: Restores a provision proposed by the House and deleted by the Senate which prohibits the redirection of the Equal Employment Opportunity Program.

Amendment No. 15: Establishes a base of 16,739 full-time equivalent positions instead of 16,599 as proposed by the House and 16,799 as proposed by the Senate.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that all additional Customs positions will be allocated only for commercial operations.

OPERATIONS AND THE MAINTENANCE, AIR INTERDICTION PROGRAM

Amendment No. 17: Appropriates \$142,262,000 for operations and maintenance as proposed by the Senate instead of \$132,262,000 as proposed by the House.

Amendment No. 18: Deletes language as proposed by the Senate which prohibits the transfer of certain equipment on a permanent basis.

U.S. MINT

Amendment No. 19: Appropriates \$47,000,000 for salaries and expenses instead

of \$47,869,000 as proposed by the House and \$46,000,000 as proposed by the Senate.

BUREAU OF THE PUBLIC DEBT

Amendment No. 20: Appropriates \$219,430,000 for salaries and expenses as proposed by the Senate instead of \$242,840,000 as proposed by the House.

Amendment No. 21: Inserts the phrase "shall be available" as proposed by the Senate.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

Amendment No. 22: Inserts a provision appropriating \$960,000 as proposed by the Senate.

INTERNAL REVENUE SERVICE

Amendment No. 23: Appropriations \$87,165,000 for salaries and expenses as proposed by the Senate instead of \$94,547,000 as proposed by the House.

IRS PAYROLL

The Conferees are aware of the efforts that IRS has made to correct the problems associated with the IRS payroll system.

The Conferees understand that the Department of the Treasury is considering abolishing the Office of Fiscal Operations and the Resources Systems Development Division of the Detroit Data Center and transferring its payroll/personnel functions to the Department of Agriculture.

The Conferees are convinced that the IRS, at the Senate Committee's request, has made significant progress in rectifying the deficiencies cited in the Committee's FY 1988 report.

Accordingly, the Conferees direct the Secretary of the Treasury to continue the current payroll system throughout FY 1989.

Amendment No. 24: Appropriates \$1,740,353,000 for processing tax returns instead of \$1,850,134,000 as proposed by the House and \$1,691,076,000 as proposed by the Senate.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$1,932,441,000.

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment makes available \$1,932,441,000 for examinations and appeals.

Amendment No. 26: Makes available \$2,800,000 for the Tax Counseling for the Elderly program instead of \$2,850,000 as proposed by the Senate and \$2,650,000 as proposed by the House.

Amendment No. 27: Makes available \$2,800,000 for the Tax Counseling for the Elderly program instead of \$2,850,000 as proposed by the Senate and \$2,650,000 as proposed by the House.

Amendment No. 28: Appropriates \$1,434,921,000 for investigation, collection and taxpayer service instead of \$1,490,225,000 as proposed by the House and \$1,431,058,000 as proposed by the Senate.

U.S. SECRET SERVICE

Amendment No. 29: Deletes a provision proposed by the Senate which would have exempted the Service from the general purchase price limitation for police-type vehicles.

Amendment No. 30: Appropriates \$357,500,000 for salaries and expenses instead of \$362,000,000 as proposed by the House and \$354,500,000 as proposed by the Senate.

TITLE II - U.S. POSTAL SERVICE

SENSE OF SENATE PROVISION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that it is the Sense of the Senate that a certain contract entered into between the Postal Service and Perot Systems not be implemented until certain conditions are met.

U.S. POSTAL SERVICE: SUN CITY, ARIZONA

The Conferees are concerned about the unfortunate situation of mail theft from curbside mail boxes in Sun City, Arizona, primarily a retirement community. Under Postal Service regulations, residential developments constructed after 1978 will not receive door mail delivery, but will only be able to receive either curbside mail delivery or delivery to local area "cluster" boxes. The purpose of these regulations is to contain costs involved in delivering the mail.

In light of the mail security problems recently experienced by the elderly residents of Sun City, Arizona, the Conferees direct the United States Postal Service to study the economic feasibility of amending Postal Service regulations to provide door mail delivery to retirement communities constructed after 1978 nationwide if a majority of the residents favor such a change in their mail delivery. The Conferees further direct the USPS to report the conclusions of their study to the House and Senate Appropriations Committees by no later than June 1, 1989.

POSTAL FACILITY FOR THE TIERRASANTA AREA OF SAN DIEGO, CALIFORNIA

The Conferees continued to be concerned over the lack of a Postal Service facility for the Tierrasanta area of San Diego. This project is on the Postal Service's five year construction plan and was originally scheduled to be completed by 1989. The Conferees believed that this facility should continue to be a priority for the Postal Service.

The Postal Service has stated that it has been unable to obtain a suitable site for a permanent facility for Tierrasanta. To address the problem in the short-term, the Postal Service plans to establish a Temporary Carrier Annex to serve the Tierrasanta, Sierra Mesa and Grantville areas of San Diego. The Committee supports this plan, but believes the Postal Service should address the lack of planned walk-up window service for Tierrasanta.

The Conferees urge the Postal Service to continue seeking a site for a permanent full service postal facility for Tierrasanta and requests that the Postal Service keep it informed of its effort to address the mail service problem for these areas of San Diego.

PALATINE, ILLINOIS POSTAL FACILITY

The Conferees are concerned about a situation occurring between the Village of Palatine, Illinois and the United States Postal Service. The Conferees understand that the Village of Palatine has been attempting in good faith to find an alternative site for a Postal Service distribution facility. The Conferees understand that failure to find an alternative to the site being proposed by the Postal Service could have a devastating effect on the tax base of Palatine and on the schools and parks districts. Therefore, the Conferees direct the Postal Service to work with the Village of Palatine to find an alternative site that would meet postal needs, before expending any funds for design and/or construction work on the Postal Service's preferred site.

ADMINISTRATIVE PROVISION

Amendment No. 32: Restores a provision inserted by the House and stricken by the Senate which mandates certain services to the people of Holly Springs, Mississippi.

TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

Amendment No. 33: Appropriates \$16,850,000 for salaries and expenses instead of \$16,900,000 as proposed by the House and \$16,800,000 as proposed by the Senate

NATIONAL CRITICAL MATERIALS COUNCIL

Amendment No. 34: Appropriates \$225,000 for salaries and expenses instead of \$178,000 as proposed by the House and \$300,000 as proposed by the Senate.

OFFICE OF MANAGEMENT AND BUDGET

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: \$39,640,000, of which not to exceed \$1,000,000 may be available for a consolidated Federal budget and financial information system to improve the management of Executive agencies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$39,640,000 for salaries and expenses and authorizes not to exceed \$1,000,000 for a Federal budget and financial information system.

Amendment No. 36: Inserts the word "altering" as proposed by the Senate and deletes the word "review" proposed by the House. This provision prohibits OMB from altering the transcripts of certain testimony under certain conditions as proposed by the Senate instead of prohibiting OMB from reviewing the testimony as proposed by the House.

Amendment No. 37: Deletes a provision proposed by the House. The Conferees emphasize their position on this issue by inserting the following statement on determination and compliance with Congressional intent:

DETERMINATION AND COMPLIANCE WITH CONGRESSIONAL INTENT

The Conferees take strong exception to action by the Director of the Office of Management and Budget in his Memorandum for Cabinet Officers and Agency Heads dated March 15, 1988. That memorandum reminded them, and all employees of their agencies, that Congressional reports have no force of law and claiming the right of the Executive Branch to substitute its judgment as to which projects to fund.

APPROPRIATIONS CAN BE USED ONLY FOR THE PURPOSES FOR WHICH MADE

Title 31 of the United States Code makes clear that appropriations can be used only for the purposes for which they were appropriated, as follows:

Section 1301. Application:

(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

STATEMENT OF INTENT INCLUDED IN CONTINUING RESOLUTION

Section 107 of Public Law 100-202, the Continuing Resolution for fiscal year 1988, says:

Amounts and authorities provided by this resolution shall be in accordance with the reports accompanying the bills as passed by or reported to the House and the Senate and in the Joint Resolution.

Executive Branch wishes cannot substitute for Congress' own statements as to the best evidence of Congressional intentions—that is, the official reports of the Congress.

UNANTICIPATED NEEDS

Amendment No. 38: Inserts center head proposed by the Senate and deletes a center head proposed by the House.

EXPENSES OF MANAGEMENT IMPROVEMENT

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to provide a comprehensive office automation system, including equipment and software, for the Office of Management and Budget, \$1,000,000, to remain available until expended.

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$1,000,000 to provide a comprehensive office automation system for the Office of Management and Budget.

TITLE IV - INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Amendment No. 40: Appropriates \$1,040,000 for salaries and expenses as proposed by the Senate instead of \$1,275,000 as proposed by the House.

ADVISORY COMMITTEE ON FEDERAL PAY

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

ADVISORY COMMITTEE ON FEDERAL PAY SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; \$205,000: Provided, That the annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$205,000 for the Advisory Committee on Federal Pay. The Conferees are concerned that the report of the Advisory Committee on Federal Pay is not available in a timely fashion for review by the Congress and have included language to require that the report be submitted to the Congress at the same time the report is submitted to the President.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND LIMITATIONS ON AVAILABILITY OF REVENUE

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$3,024,217,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a total limitation on the availability of funds in the Federal Buildings Fund.

Amendment No. 43: Establishes a limitation of \$119,820,000 on construction instead of \$92,139,000 as proposed by the House and \$137,147,000 as proposed by the Senate.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: \$14,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available \$14,000,000 for construction of the Lakeland, Florida Federal Building.

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$16,758,000 for construction of a Federal Building, Courthouse in Baton Rouge, Louisiana.

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$250,000 for site and design of a parking facility in Newark, New Jersey.

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$5,000,000 for a grant to the University of New Mexico.

Amendment No. 48: Deletes a provision proposed by the Senate which would have made \$7,000,000 available for the Martha Graham Center of Contemporary Dance.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: \$500,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment makes available \$500,000 for other selected purchases.

Amendment No. 50: Establishes a limitation of \$532,865,000 for repairs and alterations instead of \$560,873,000 as proposed by the House and \$517,424,000 as proposed by the Senate.

FEDERAL USE OF POST OFFICE BUILDING IN JAMESTOWN, NORTH DAKOTA

The Conferees direct the Administrator of General Services, by no later than September 15, 1988, to submit a written report to the House and Senate Committees on Appropriations outlining in detail the potential uses of the former United States Postal Service building located on First Avenue and Third Street S.W. in Jamestown, North Dakota for Federal Office space. The report shall include, but not be limited to the following information regarding the potential Federal utilization of this Postal Service facility:

utilization of no less than 80 percent of the total square feet in such building;

utilization of such building for storage or as a depository for Government records, documents, or other materials;

which Federal agencies are potential tenants of such building;

the cost of renovation of the building to accommodate any and all Federal uses;

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the timetable for relocating Federal agency personnel and equipment to the building; and

possible financing options to cover the cost of renovating, purchasing, or otherwise preparing the postal service building for occupancy by Federal agencies.

The Conferees believe that the Administrator of General Services should make every possible effort to explore all potential Federal uses for this facility in Jamestown.

JOHNSTOWN, PENNSYLVANIA FEDERAL COURT

The Conferees understand that pursuant to 28 U.S.C. 118, Johnstown, Pennsylvania is designated as a seat for a Federal court for the Western District of Pennsylvania. The Conferees are concerned about the need for the establishment of a satellite court facility in Johnstown to accommodate residents of the surrounding counties. Therefore, the Conferees direct the General Services Administration to establish and maintain a satellite court facility for the Western District of Pennsylvania in Johnstown.

Amendment No. 51: Restores a provision proposed by the House and deleted by the Senate which makes available \$1,000,000 for a grant to the County of Los Angeles.

Amendment No. 52: Restores a provision proposed by the House and deleted by the Senate which makes available \$800,000 for a grant to California State University.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum named in said amendment, insert the following: \$5,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available \$5,000,000 for the repair and alteration of a Federal Building, Courthouse in San Francisco, California.

Amendment No. 54: Restores a provision proposed by the House and deleted by the Senate which makes available \$29,000,000 for the Ariel Rios Federal Building, New Post Office in Washington, D.C.

ATF HEADQUARTERS

The Conferees are determined that the proposed renovation of the Ariel Rios Federal Building will be effected in such a manner so as not to unduly disrupt the vital law enforcement and excise tax collection functions of the Bureau of Alcohol, Tobacco and Firearms, which is the principal occupant of the Rios Building. It should be noted that it was by action of this Committee that the building was named in memory of Ariel Rios, an ATF agent murdered in an undercover narcotics operation in South Florida.

To avoid undue disruption, the Conferees direct that ATF will not be required to temporarily relocate its Headquarters activity during the renovation in any space deemed unacceptable by the Director of ATF. Further, appropriation of funds for renovation of the Rios building is made with the clear understanding that ATF will re-occupy the Rios building immediately upon completion of the renovation.

Amendment No. 55: Deletes a provision proposed by the House and deleted by the Senate which would have made available \$12,000,000 for General Accounting Office in Washington, D.C.

Amendment No. 56: Restores a provision proposed by the House and deleted by the Senate and makes available \$11,000,000 for the GSA Headquarters in Washington, D.C. instead of \$23,000,000 as proposed by the House.

Amendment No. 57: Restores a provision proposed by the House and deleted by the Senate which makes available \$19,970,000 for the James V. Forrestal Building in Washington, D.C.

Amendment No. 58: Makes available \$6,500,000 for the Interior Department at Avondale, Maryland as proposed by the Senate instead of \$6,000,000 as proposed by the House.

Amendment No. 59: Deletes a provision proposed by the Senate which would have made available \$2,900,000 for the Grove Arcade Federal Building in Asheville, North Carolina.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

Capital Improvements of United States-Mexico Border Facilities, \$42,150,000 as follows:

Arizona:
Douglas, AZ: New facility/R&A/Safety, \$820,700

Lukeville, AZ: R&A/Safety, \$229,100

Naco, AZ:
New facility/R&A/Safety, \$320,900

Nogales, AZ:
Grande Ave./Morley Gate, New Station/R&A/Safety, \$2,420,900

Mariposa, R&A, \$746,800

Sasabe, AZ: New facility/R&A/Safety, \$355,300

San Luis, AZ: R&A/Safety, \$499,300

California:
Andrade, CA: New station/R&A/Safety, \$454,300

Calexico, CA: New station/R&A/Safety, \$4,830,900

San Ysidro/Otay Mesa, CA:
New facility/Otay Mesa \$721,700

Safety/San Ysidro/Otay Mesa, \$2,673,900

R&A/Signs/Security/Commercial lot improvements, \$4,956,200

Tecate, CA: New station/R&A, \$861,800

New Mexico:
Antelope Wells, NM: Security/Housing, \$158,500

Columbus, NM: Security, \$236,300

Santa Teresa, NM: New station, \$1,668,000

Texas:
Amastad Dam, TX: R&A, \$83,400

Brownsville, TX:
Gateway Bridge, Security/R&A/Lane expansion/New Bridge, \$5,783,600

B&M Bridge, Replace station, \$1,794,300

Los Indios, Replace station, \$105,700

Del Rio, TX: Security/Lane expansion, \$597,700

Eagle Pass, TX: Security/R&A, \$2,251,800

El Paso, TX:
Bridge of the Americas, Design/R&A/
Import Lot Paving, \$1,700,300

Paso del Norte, Extension/R&A, \$639,400

Ysleta, Design/Construction, \$1,501,200

Fabens, TX: Site acquisition/Security, \$444,800

Falcon Dam, TX: R&A, \$172,400

Hidalgo, TX: Safety/Design/R&A, \$617,200

Laredo, TX:
Juarez-Lincoln Bridge, Site/Design/R&A, \$1,668,000

New bridge, \$278,000

Convent Street, Design upgrade, \$1,473,400

Presidio, TX: Security/Housing, \$556,000

Progreso, TX: Security/R&A, \$222,400

Roma, TX: Safety, \$305,800

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available \$42,150,000 for capital improvements of United States-Mexico Border Facilities.

Amendment No. 61: Establishes a limitation of \$200,000,000 for minor repairs and alterations instead of \$212,780,000 as proposed by the House and \$194,780,000 as proposed by the Senate.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$2,000,000 to fund a pilot project establishing safe areas of refuge from fire for the disabled in six existing Federal buildings as proposed by the Senate.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$10,000,000 as proposed by the Senate to provide additional funding for United States-Mexico Border Facility projects under certain circumstances.

Amendment No. 64: Establishes a limitation of \$133,000,000 for payment on purchases contracts as proposed by the Senate instead of \$142,450,000 as proposed by the House.

Amendment No. 65: Establishes a limitation of \$1,177,532,000 for rental of space as proposed by the Senate instead of \$1,200,000,000 as proposed by the House.

Amendment No. 66: Establishes a limitation of \$882,000,000 for real property operations as proposed by the Senate instead of \$881,703,000 as proposed by the House.

Amendment No. 67: Establishes a limitation of \$49,000,000 for program direction and centralized services as proposed by the Senate instead of \$49,740,000 as proposed by the House.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$130,000,000 of which \$2,200,000 shall be made available for a grant to the Marine Biological Laboratory at Woods Hole, Massachusetts and of which \$127,800,000 shall be available

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a limitation of \$130,000,000 for design and construction services and provides a grant to a Marine Biological Laboratory.

Amendment No. 69: Deletes a citation proposed by the House and inserts a citation proposed by the Senate.

Amendment No. 70: Restores a provision proposed by the House and deleted by the Senate which exempts the Memphis, Tennessee Internal Revenue Service Center from certain requirements.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which exempts the Baton Rouge Louisiana Federal Building, Courthouse and the Lakeland, Florida building from certain requirements

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$3,024,217,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment establishes a total limitation on the availability of funds in the Federal Buildings Fund.

FEDERAL SUPPLY SERVICE

Amendment No. 73: Appropriates \$47,000,000 for operating expenses as proposed by the Senate instead of \$47,829,000 as proposed by the House.

FEDERAL PROPERTY RESOURCES SERVICE

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$10,800,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$10,800,000 for the Federal Property Resources Service.

REAL PROPERTY RELOCATION

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$4,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$4,000,000 for real property relocation.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available \$1,500,000 for certain relocation costs associated with the facility at Loran Station, Island of Kaula, Hawaii.

INFORMATION RESOURCES MANAGEMENT SERVICE

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$31,875,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$31,875,000 for the Information Resources Management Service.

OFFICE OF INSPECTOR GENERAL

Amendment No. 78: Appropriates \$25,000,000 for the Office of Inspector General as proposed by the Senate instead of \$25,400,000 as proposed by the House.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

Amendment No. 79: Appropriates \$1,431,000 as proposed by the House instead of \$1,400,000 as proposed by the Senate.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: \$30,000,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$30,000,000 for the National Defense Stockpile Transaction Fund.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

University of Texas at El Paso pursuant to 50 U.S.C. 98a and 98g for a grant to study and facilitate the development, transfer, and installation of strategic materials technologies among American industries; \$3,000,000;

University of Hawaii at Manoa pursuant to 50 U.S.C. 98a and 98g(a), for a grant to construct and equip a strategic materials research facility, \$14,000,000;

Loyola College in Maryland pursuant to 50 U.S.C. 98a and 98g(a), for a grant to pay the Federal share of the cost of construction and equipment, including approaches and appurtenances and costs already incurred, of a Center for Advanced Information and Resource Management Studies, \$3,000,000;

University of Idaho pursuant to 50 U.S.C. 98a and 98g(a) for a grant to construct and equip a Strategic Research and Environmental Laboratory, \$3,000,000; and

University of Utah pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Biomedical Polymers, \$7,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$30,000,000 for projects under the National Defense Stockpile Transaction Fund.

The Conference agreement provides \$14,000,000 for a grant to construct a strategic materials research facility at the University of Hawaii. Although this is less than the amount recommended by the House, the managers intend to complete this project by providing the balance of the funds for this facility at a later date.

Amendment No. 82: Restores a provision proposed by the House and deleted by the Senate which authorizes funds to be made available for the payment of rent under certain circumstances.

Amendment No. 83: Restores a section number as proposed by the House.

Amendment No. 84: Restores a section number as proposed by the House.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes and directs the General Services Administration to charge the Department of the Interior for the design of the Avondale, Maryland property as proposed by the Senate.

Amendment No. 86: Restores a provision proposed by the House and deleted by the Senate which authorizes the acquisition of a building in Memphis, Tennessee for the Internal Revenue Service.

Amendment No. 87: Restores a provision proposed by the House and deleted by the Senate which authorizes construction at the Center for Disease Control campus in Chamble, Georgia.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number proposed by said amendment, insert the following: 1e

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Administrator of General Services to hire and maintain an annual average of not less than

1,000 full-time equivalent positions not later than fiscal year 1992 for the Federal Protective Service.

The Committee directs GSA to conduct a study on salary comparability of members of the Federal Protective Service with other law enforcement agencies and submit a report to the Committees on Appropriations by January 31, 1989.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 11. Notwithstanding any other provision of law, the Administrator of General Services is hereafter authorized to transfer from the available resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the Administrator of General Services to transfer from the available resources in the Federal Buildings Fund to repay certain borrowings.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 12

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes the General Services Administration to sell, at competitive bid, a Federal building in Lakeland, Florida.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 13

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the sale and certain other methods of disposal of certain lands in the vicinity of Bull Shoals Lake, Arkansas without the specific approval of Congress.

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 14. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

Sec. 15. Notwithstanding any other provision of this Act the amount appropriated for General Management and Administration, Salaries and Expenses of the General Services Administration is \$120,774,000 for fiscal year 1989.

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Sec. 16. *The Administrator of General Services shall transfer, without consideration, to the Secretary of the Army the approximately 24 acres located in Laurel, Maryland, and classified as surplus property under the title "FDA—Beltsville Research Facility". Such property shall be used in connection with the Maryland National Guard.*

Sec. 17. *The Secretary of the Interior, within 30 days of enactment of this Act shall designate a consolidated agency of no less than 400 people within the Department of the Interior for relocation to Avondale, Maryland. The Administrator of General Services shall relocate the designee to the Avondale facility no later than 90 days after the Administrator determines design and alteration of the facility is completed.*

Sec. 18. *Notwithstanding any other provision of this Act, no funds made available from the Federal Buildings Fund for new construction for fiscal year 1989 may be used to fund the St. Croix Federal Building, Courthouse located in the Virgin Islands.*

Sec. 19. *None of the funds appropriated by this or any other Act in any fiscal year may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplus, or disposal of any portion of land identified as a portion of the Middle River Federal Depot located in Baltimore County, Maryland before October 1, 1989: Provided, That such land may be sold before that time if the General Services Administration enters into a mutually agreed upon sale agreement with the State of Maryland and/or Baltimore County, Maryland.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 14 of this amendment prohibits the sale and certain other methods of disposal of lands in the vicinity of Norfolk Lake, Arkansas without the specific approval of Congress.

Section 15 of this amendment provides that the total amount appropriated to the General Management and Administration account is \$120,774,000.

Section 16 of this amendment concerns property located in Laurel, Maryland. The Conferees have included this provision to provide for a transfer of surplus property in Laurel, Maryland to the Secretary of the Army without consideration for use by the Maryland National Guard.

Section 17 of this amendment concerns a facility at Avondale, Maryland. The Conferees have included this provision to insure that within 30 days after enactment the Secretary of the Interior shall designate to the Administrator of General Services a consolidated agency of no less than 400 people which will be relocated to the Avondale property. The Administrator is expected to move quickly to renovate the Avondale property for the designated agency and relocate the designated agency no later than 90 days after the renovation is completed.

Section 18 of this amendment deletes all funding in this Act for the new construction of the St. Croix Federal Building, Courthouse located in the Virgin Islands.

Section 19 of the amendment concerns the Middle River Federal Depot. The Conferees have included this provision which prevents GSA from selling, or in any way disposing of, the Middle River Federal Depot located in Baltimore County, Maryland before October 1, 1989. The provision further provides that GSA may sell this property before that time if it enters into a mutually agreed upon sale agreement with the State of Maryland and/or Baltimore County, Maryland.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *\$121,900,000, of which \$125,000 shall be made available directly to the Forbes Library, Northampton, Massachusetts for such expenses as are necessary for the proper preservation, restoration, and display of the Presidential papers of Calvin Coolidge, and*

The managers of the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates \$121,900,000 for the National Archives and makes available \$125,000 for the Presidential papers of Calvin Coolidge.

Amendment No. 94: Deletes a phrase proposed by the Senate which would make a technical change in the sentence structure.

Amendment No. 95: Deletes a word proposed by the Senate which would make a technical change in the sentence structure.

Amendment No. 96: Restores a provision proposed by the House and stricken by the Senate which makes available \$4,100,000 for construction at the John F. Kennedy Library in Boston, Massachusetts.

OFFICE OF PERSONNEL MANAGEMENT

Amendment No. 97: Appropriates \$108,000,000 for salaries and expenses instead of \$107,477,000 as proposed by the House and \$108,977,000 as proposed by the Senate.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *not to exceed \$1,000,000 may be made available for establishment of Federal health promotion and disease prevention programs for Federal employees;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that OPM may use up to \$1,000,000 for certain programs.

Amendment No. 99: Inserts the word "and" proposed by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *not to exceed \$500,000 may be made available for implementation of the Combined Federal Campaign in fiscal year 1989;*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that OPM may use up to \$500,000 for the CFC.

OFFICE OF SPECIAL COUNSEL

Amendment No. 101: Appropriates \$5,000,000 for salaries and expenses as proposed by the Senate instead of \$4,761,000 as proposed by the House.

TITLE V

GENERAL PROVISIONS—THIS ACT

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the procurement of hand

and measuring tools not produced in the United States unless certain conditions are met.

Amendment No. 103: Inserts new section number proposed by the Senate.

Amendment No. 104: Inserts new section number proposed by the Senate.

Amendment No. 105: Inserts new section number proposed by the Senate.

Amendment No. 106: Restores a provision proposed by the House and deleted by the Senate which prohibits the closing of a Federal Information Center of the General Services Administration located in Sacramento, California, and changes the section number.

Amendment No. 107: Inserts a phrase proposed by the Senate which prohibits the transfer of the Federal Law Enforcement Training Center located at Marana, Arizona out of the Treasury Department.

Amendment No. 108: Restores a provision proposed by the House and deleted by the Senate.

Amendment No. 109: Restores section number proposed by the House.

Amendment No. 110: Restores section number proposed by the House.

Amendment No. 111: Restores section number proposed by the House.

Amendment No. 112: Restores a provision proposed by the House and stricken by the Senate which provides that funds shall be used to evaluate, test, relocate, upgrade or purchase stockpile materials to meet certain National Defense Stockpile goals and specifications.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: *519*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the procurement of stainless steel flatware not produced in the United States except under certain circumstances.

Amendment No. 114: Deletes a provision proposed by the House and deleted by the Senate regarding the "port of arrival immediate release and enforcement determination" program.

Amendment No. 115: Restores a section number proposed by the House.

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 521. Not later than October 1, 1989, of the amounts obtained from the sale, transfer, or disposition of silver from the National Defense Stockpile, not less than \$1,000,000 shall be obligated for a pilot project to upgrade cobalt deposited in the National Defense Stockpile to the highest purity levels required for critical military applications. The funds used in this section for upgrading shall not exceed \$2,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes funds available in the National Defense Stockpile for upgrading cobalt deposited in said Stockpile. Conferees note the serious deficit of high purity cobalt in the Stockpile and consequently direct that these funds be obligated by October 1, 1989 to commence a pilot project to upgrade cobalt deposited in the National Defense Stockpile to the highest purity

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levels required for critical military applications.

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 522. *The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to 30 years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides authority to the Administrator of General Services to acquire space for the United States Courts in Tacoma, Washington.

Amendment No. 118: Restores a section number proposed by the House.

Amendment No. 119: Restores a section number proposed by the House.

Amendment No. 120: Restores a section number proposed by the House.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 526

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that sums for the 1989 pay raises authorized by this Act shall be absorbed within the levels appropriated.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 527. (a)(1) *Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1989, shall during fiscal year 1989, obligate and expend funds for consulting services involving management and professional services; special studies and analyses; technical assistance; and management review of program funded organizations; in excess of an amount equal to 85 percent of the amount obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1987.*

(2) *The term "consulting services" shall be defined consistent with the provision of OMB Circular A-120 dated January 4, 1988.*

(b) *The Director of the Office of Management and Budget shall take such action as may be necessary, through budget instructions or otherwise, to direct each department, agency, and instrumentality of the United States to comply with the provisions of section 1114 of title 31, United States Code.*

(c) *All savings to any department, agency, or instrumentality which result from the application of subsection (a), shall be used for the 4.1 percent increase in rates of pay in such department, agency, or instrumentality made under this Act.*

Sec. 528. *Section 509 of this Act shall have no force or effect.*

Sec. 529. *The Office of Personnel Management may, during the fiscal year ending September 30, 1989, accept donations of sup-*

plies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Section 527 of this amendment limits expenditures for certain consulting services.

Section 528 of this amendment nullifies Section 509 of the general provisions in this Act. The Conferees have included a provision which nullifies and thereby gives no meaning, force or effect to section 509 of the bill. This approach is necessary because technical factors which relate solely to the rules and procedures of Congress prevent the Conferees from simply deleting the text of section 509. It is the intent of Congress that section 528 operate to nullify section 509 and have the same result as if section 509 did not appear as part of the text of the Treasury, Postal Service and General Government Appropriations Act, 1989. Section 509 has been rendered unnecessary by the enactment of a provision of law (Section 8093 of the Department of Defense Appropriations Act, 1988, P.L. 100-202) which the General Accounting Office has correctly determined to be permanent and government-wide. (See the April 11, 1988 letter opinion of the Comptroller General.)

Section 529 of this amendment authorizes the Office of Personnel Management to accept certain donations.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES AND CORPORATIONS

Amendment No. 123: Deletes a provision proposed by the House and stricken by the Senate which would have prohibited certain purchase contract projects.

Amendment No. 124: Inserts a section number proposed by the Senate.

Amendment No. 125: Inserts a section number proposed by the Senate.

Amendment No. 126: Deletes a provision proposed by the Senate which would adjust space and service levels based on amounts appropriated. The Conferees are aware that some Standard Level User Charge (SLUC) requests are reduced with the expectation that the level of service provided by the GSA not be reduced. The Conferees are also aware that those reductions are made because SLUC estimates are not reviewed but simply included in an agency request. Since such reductions have the effect of reducing revenues in the Federal Buildings Fund, the Conferees recommend that the problems that could be caused by such reductions be reviewed.

Amendment No. 127: Inserts a section number proposed by the Senate.

Amendment No. 128: Inserts a section number proposed by the Senate.

Amendment No. 129: Inserts a section number proposed by the Senate.

Amendment No. 130: Restores language proposed by the House and deletes a phrase proposed by the Senate which prohibits renovating, remodeling, or making other changes in offices under certain conditions unless notice is given to the Committees on Appropriations. The Conferees agree that approval by (not notice to) the Committees on Appropriations is required.

Amendment No. 131: Deletes a provision proposed by the House related to child care services. The Conferees agree that this provision is not necessary because it is permanent law.

Amendment No. 132: Inserts a section number proposed by the Senate.

Amendment No. 133: Inserts a section number proposed by the Senate.

Amendment No. 134: Inserts a section number proposed by the Senate.

Amendment No. 135: Inserts a section number proposed by the Senate.

Amendment No. 136: Restores a center heading proposed by the House and deleted by the Senate.

Amendment No. 137: Restores a provision proposed by the House and deleted by the Senate which prohibits the government from interfering with Federal employees disclosure of information under certain circumstances.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

Sec. 620. (a)(1) *Notwithstanding any other provision of law, in the case of fiscal year 1989, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent.*

(2) *Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1989.*

(b)(1) *Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1988, and before October 1, 1989, shall have the effect of increasing the rate of salary or basic pay for any*

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

This amendment provides a pay increase for Federal employees. The Conferees strongly support parity for civilian and military employees in adjustments of compensation. The Conferees have provided for a 4.1% adjustment for civilian workers as was provided in the Defense Authorization Bill approved by both Houses of Congress. The Conferees have remained silent on the military adjustment, however, military employees are protected under section 1009 of Title 37 of the United States Code which provides that military employees shall receive no less of an adjustment than civilian employees. The Conferees have excluded Members of Congress from the pay adjustment along with any employee whose basic rate of salary is equal to or greater than level III of the Executive Schedule (\$82,500).

Amendment No. 139: Deletes a provision proposed by the Senate which would provide for a 4% pay increase for all Federal employees except Members of Congress.

Amendment No. 140: Deletes a provision proposed by the Senate which would require that no pay increase for Members of Congress can be enacted unless certain procedures are followed.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

Sec. 621. *Effective October 1, 1988, the Secretary shall sell, within fiscal year 1989, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.*

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The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment mandates the sale of silver subject to certain conditions.

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment insert the following:

SEC. 622. Effective October 1, 1989, the Secretary shall sell, within fiscal year 1990, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates the sale of silver under certain conditions.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 623. Effective October 1, 1990, the Secretary shall sell, within fiscal year 1991, 2.5 million fine troy ounces of silver held by the Treasury subject to Sec. 624 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment mandates the sale of silver under certain conditions.

Amendment No. 144: Restores a provision proposed by the House and stricken by the Senate and changes the section number. This amendment allows the Secretary of the Treasury to reduce the amount of silver sold if he submits a written determination to Congress that such a sale severely disrupts the domestic market for silver. The Committee understands that silver sales in a declining market shall be considered severely disruptive to the domestic market for silver.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 625

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment prohibits the purchase, construction, or lease of space under certain conditions for law enforcement training.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 626

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides certain benefits to certain employees of the Federal Property Resources Service of the General Services Administration.

Amendment No. 147: Deletes a provision proposed by the Senate which would allow funds to be used for one year contracts which are to be performed in two fiscal years under certain circumstances.

Amendment No. 148: Restores a section number proposed by the House.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 628. (a) No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1989, or under any other Act appropriating funds for fiscal year 1989, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its work places are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

(b) No funds so appropriated to any such department, agency, or instrumentality shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contractor, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by such recipient, contractor, or party's board of directors or other governing authority, satisfactory to the head of the department, agency, or instrumentality making such payment, designed to ensure that all of the workplace of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides authority which will help to achieve a drug free workplace.

Amendment No. 150: Deletes a provision proposed by the Senate regarding interagency funding.

Amendment No. 151: Deletes a provision proposed by the Senate which would have eliminated a requirement for an analysis to be done by the Office of Management and Budget.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 629. (a) Section 5724(a) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

(3) upon the separation of a career appointee (as defined in section 3132(a)(4) of this title), the travel expenses of that individual, the transportation expenses of the immediate family of such individual, and the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods of such individual and personal effects not in excess of 18,000 pounds net weight, to the place where the individual will reside within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements, as described in section 3(a) of the Panama Canal Act of 1979 (or, if the individual dies before the travel, transportation, and moving is completed, to the place

where the family will reside) if such individual—

(A) during the five years preceding eligibility to receive an annuity under subchapter III of chapter 83, or of chapter 84 of this title, and thereafter, has been transferred in the interest of the Government from one official station to another for permanent duty as a career appointee in the Senior Executive Service; and

(B) is eligible to receive an annuity upon such separation under the provisions of subchapter III of chapter 83 or chapter 84 of this title."

(b) The amendments made by subsection (a) shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by such subsection do not authorize the appropriation of funds in amounts exceeding the sums otherwise authorized to be appropriated for such agencies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment authorizes certain payments related to certain relocation expenses for Senior Executive Service personnel.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 630

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes technical and conforming changes to existing law related to the transfer of the William Langer Jewel Bearing Plant from General Services Administration to the National Defense Stockpile.

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the section number named in said amendment, insert the following: 631

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides that a certain hospital is deemed to be located in Franklin County, Missouri retroactively effective for discharges beginning on or after December 22, 1987.

Amendment No. 155: Deletes a provision proposed by the Senate which would provide that none of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which that foreign country denies certain market opportunities for products and services of the United States.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 1989, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Treasury, Postal Service, and General Government Subcommittee. The term "program,

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project, and activity" shall include the most specific level of budget items identified as a dollar amount in the Treasury, Postal Service, and General Government Appropriations Act, 1989 (H.R. 4775), the House and Senate committee reports (H. Rept. 100-679) and S. Rept. 100-387, and the conference report and accompanying joint explanatory statement of the managers of the committee of conference (Under the above definition, the Federal Buildings Fund, the Bureau of Engraving and Printing Fund, and other intragovernmental funds are among the accounts exempt from sequestration altogether.)

In implementing a Presidential Order, departments and agencies shall apply the percentage reduction required for fiscal year 1989 pursuant to the provisions of Public Law 99-177, as amended, to each budget item that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations acts (including joint resolutions providing continuing appropriations), and accompanying House and Senate Committee reports, conference reports, or joint explanatory statements of the committee of conference.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988.....	\$15,115,699,000
Budget estimates of new (obligational) authority, fiscal year 1989.....	16,163,725,000
House bill, fiscal year 1989	16,113,771,000
Senate bill, fiscal year 1989.....	15,917,514,000
Conference agreement, fiscal year 1989.....	16,019,910,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988.....	+904,211,000
Budget estimates of new (obligational) authority, fiscal year 1989.....	-143,815,000
House bill, fiscal year 1989	-93,861,000
Senate bill, fiscal year 1989.....	+102,396,000

EDWARD R. ROYBAL,
DANIEL K. AKAKA,
STENY H. HOYER,
RONALD D. COLEMAN,
EDWARD P. BOLAND,
SIDNEY R. YATES
(except 92),
JAMIE L. WHITTEN,
JOE SKEEN,
BILL LOWERY,
FRANK R. WOLF,
SILVIO O. CONTE,

Managers on the Part of the House.

DENNIS DECONCINI,
WILLIAM PROXMIRE,
B.A. MIKULSKI,
JOHN C. STENNIS,
PETE DOMENICI,
ALFONSE M. D'AMATO,
MARK O. HATFIELD,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4387

Mr. STOKES submitted the following conference report and statement

on the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-879)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4387) to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1989."

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1989 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

(b) None of the funds authorized to be appropriated by this Act may be used to procure more than three GUARDRAIL RC-12K aircraft and sensor suites until the Department of the Army has submitted to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and to the Committee on Armed Services of the Senate a report detailing the long-range plans and budgetary commitments to meet the future requirements for tactical airborne reconnaissance in support of the United States Army. The report should include, but not be limited to, the contribution of remotely piloted vehicles and other reconnaissance assets.

(c) Of the funds authorized to be appropriated in this Act for the Defense Intelligence Agency, the Secretary of Defense may transfer not to exceed \$15,100,000 to appropriations for the foreign counterintelligence activities for the Federal Bureau of Investigation.

(d) The expiration date provided for in section 803(b) of the Intelligence Authorization Act for Fiscal Year 1986 (Public Law 99-169) shall be extended until December 31, 1989.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. (2) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1989, for the conduct of the intelligence

and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 4387 of the One Hundredth Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committee on Appropriations of the Senate and of the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1989 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percentum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1989 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1989 the sum of \$23,745,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 244 full-time personnel as of September 30, 1989. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During Fiscal Year 1987, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During Fiscal Year 1989, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

100TH CONGRESS
2D SESSION

H. R. 4775

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1988

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1989, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Treasury
5 Department, the United States Postal Service, the Executive
6 Office of the President, and certain Independent Agencies,
7 for the fiscal year ending September 30, 1989, and for other
8 purposes, namely:

B

1 Laws 99-500, 99-591, and 100-202 may continue and may
2 cover additional employees in fiscal year 1989, the Office of
3 Personnel Management may continue to operate by regula-
4 tion, notwithstanding chapter 63 of title 5, United States
5 Code, a program under which the unused accrued annual
6 leave of officers or employees of the Federal Government
7 may be transferred for use by other officers or employees who
8 need such leave due to a personal emergency as defined in
9 the regulations. The Office may provide by regulation for
10 such exceptions from the provisions of section 7351 of title 5
11 as the Office may determine appropriate for the transfer of
12 leave under this section. The Veterans' Administration may
13 operate a similar program for employees subject to section
14 4108 of title 38, United States Code. The programs operated
15 under this section shall expire at the end of fiscal year 1989,
16 but any leave that has been transferred to an officer or em-
17 ployee under the programs shall remain available for use
18 until the personal emergency has ended, and any remaining
19 unused transferred leave shall, to the extent administratively
20 feasible, be restored to the leave accounts of the officers or
21 employees from whose accounts it was originally transferred.

22 **(136) EMPLOYEE DISCLOSURE AGREEMENTS**

23 **(137) SEC. 621. No funds appropriated in this or any**
24 **other Act for fiscal year 1989 may be used to implement or**
25 **enforce the agreements in Standard Forms 189 and 4108 of**

1 the Government or any other nondisclosure policy, form or
2 agreement if such policy, form or agreement:

3 (1) concerns information other than that specificall-
4 ly marked as classified; or, unmarked but known by the
5 employee to be classified; or, unclassified but known by
6 the employee to be in the process of a classification
7 determination;

8 (2) contains the term classifiable;

9 (3) directly or indirectly obstructs, by requirement
10 of prior written authorization, limitation of authorized
11 disclosure, or otherwise, the right of any individual to
12 petition or communicate with Members of Congress in
13 a secure manner as provided by the rules and proce-
14 dures of the Congress;

15 (4) interferes with the right of the Congress to
16 obtain executive branch information in a secure manner
17 as provided by the rules and procedures of the Con-
18 gress;

19 (5) imposes any obligations or invokes any reme-
20 dies inconsistent with statutory law:

21 *Provided*, That nothing in this section shall affect the en-
22 forcement of these aspects of such nondisclosure policy, form
23 or agreement that do not fall within subsection (1)-(5) of this
24 section.

1 *repair of a public building or public work, of vehicles*
2 *or construction equipment of a foreign country.*

3 *(5) The terms "contractor" and "subcontractor"*
4 *includes any person performing any architectural, en-*
5 *gineering, or other services directly related to the prep-*
6 *aration for or performance of the construction, alter-*
7 *ation, or repair.*

8 *(e) Paragraph (a)(1) of this section shall not apply to*
9 *contracts entered into prior to the date of enactment of this*
10 *Act.*

11 *(f) The provisions of this section are in addition to, and*
12 *do not limit or supersede, any other restrictions contained in*
13 *any other Federal law.*

14 This Act may be cited as the "Treasury, Postal Service
15 and General Government Appropriations Act, 1989".

Passed the House of Representatives June 14, 1988.

Attest: DONNALD K. ANDERSON,
Clerk.

Passed the Senate with amendments June 27, 1988.

Attest: WALTER J. STEWART,
Secretary.

JACK BROOKS, TEXAS, CHAIRMAN
JOHN CONYERS, JR., MICHIGAN
STEPHEN L. NEAL, NORTH CAROLINA
BARNEY FRANK, MASSACHUSETTS
ROBERT E. WISE, JR., WEST VIRGINIA
BEN ERDREICH, ALABAMA
GERALD D. KLECZKA, WISCONSIN

FRANK HORTON, NEW YORK
ROBERT S. WALKER, PENNSYLVANIA
BEAU BOULTER, TEXAS
DONALD E. LUKENS, OHIO

(202) 225-5147

ONE HUNDREDTH CONGRESS

Congress of the United States
House of Representatives

LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE
OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM 8-373

WASHINGTON, DC 20515

HEARING ON CONGRESS AND THE
ADMINISTRATION'S SECRECY PLEDGES
LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE

Wednesday, August 10, 1988, 10:00 a.m.

Room 2154 Rayburn House Office Building

WITNESSES

Panel:

Honorable William Proxmire
United States Senate (Wisconsin)

Honorable Charles E. Grassley
United States Senate (Iowa)

Honorable Barbara Boxer
House of Representatives
(6th District, California)

Honorable Charles McC. Mathias
Former Senator (Maryland)
Jones, Davis, Reavis and Pogue

Honorable James C. Miller, III
Director
Office of Management and Budget

Honorable Stansfield Turner
Former Director
Central Intelligence Agency

Panel:

Professor Harold H. Bruff
Redditt Professor of Law
University of Texas at Austin

Professor Michael Glennon
Law School
University of California at Davis

Mr. Louis J. Rodrigues
Associate Director
National Security and International Affairs Division
General Accounting Office