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100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-979

MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1989, AND FOR OTHER PURPOSES

SEPTEMBER 5, 1988.—Ordered to be printed

Mr. SMITH of Iowa, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 4782]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4782) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related 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 5, 14, 25, 26, 27, 28, 41, 70, 74, 79, 80, 81, 83, 84, 89, 90, 95, 98, 101, 103, 105, 106, 108, 115, 122, 130, 135, 161, 162, 169, 172, 173, 175, 178, 179, 180, 181, and 182.

That the House recede from its disagreement to the amendments of the Senate numbered 67, 72, 75, 76, 82, 100, 114, 157, 159, 165, and 166, and 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 \$96,035,000; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$32,899,000; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

SEC. 303. (a) Section 303 of the Department of State Appropriations Act, 1988 (as contained in section 101(a) of Public Law 100-202), is amended in the first sentence—

(1) by striking out "\$290,000" and inserting in lieu thereof "\$340,000";

(2) by striking out "and"; and

(3) by inserting after "Public Law 86-420" the following: ", and section 109(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985."

(b) Section 109(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, is amended—

(1) by striking out "Of the amounts" and inserting in lieu thereof "There are";

(2) by striking out "for 'International Organizations and Conferences'"; and

(3) by striking out "may be used".

(c) The amendments made by this section shall take effect on October 1, 1988.

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 House bill contained no provision on this matter.

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 Senate amendment with an amendment as follows:

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

SEC. 304. (a) Section 8 of the United Nations Participation Act of 1945 is amended as follows:

(1) by adding the words "serving abroad" after the words "in section 2 of this Act";

(2) by adding the word "abroad" after the words "such living quarters"; and

(3) by deleting the last sentence of that section.

(b) Section 9 of the United Nations Participation Act of 1945 is amended as follows:

(1) by deleting all but subsection (2);

(2) by renumbering subsection (2) as (3) and deleting the word "President" therein and inserting the word "Secretary" in lieu thereof; and

(3) by inserting the following:

→ "SEC. 9. The Secretary of State may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 3324) and section 5536 of title 5, United States Code—

"(1) make available to the Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations living quarters leased or rented by the United States (for periods not exceeding ten years) and allowances for unusual expenses incident to the operation and maintenance of such living quarters similar to those and to be considered for all purposes as authorized by section 22 of the Administrative Expenses Act of 1946, as amended



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"(2) make available in New York to no more than 18 foreign service employees of the staff of the United States Mission to the United Nations, other representatives, and no more than two employees who serve at the pleasure of the Representative, living quarters leased or rented by the United States (for periods not exceeding ten years). The number of employees to which such quarters will be made available shall be determined by the Secretary and shall reflect a significant reduction over the number of persons eligible for housing benefits as of the date of enactment of this provision. No employee may occupy a unit under this provision if the unit is owned by the employee. The Secretary shall require that each employee occupying housing under this subsection contribute to the Department of State a percentage of his or her base salary, in an amount to be determined by the Secretary of State, toward the cost of such housing. The Secretary may reduce such payments to the extent of income taxes paid on the value of the leased or rented quarters. Any payments made by employees to the Department of State for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose."

* * * * *

"(4) The Inspector General shall review the program established by this section no later than December 1989 and periodically thereafter with a view to increasing cost savings and making other appropriate recommendations."

(c) Transition provisions

(1) provisions set forth in this section shall be effective July 1, 1989.

(2) In the event that taxes paid by an employee on the benefit provided under subsection (2) of section 9 exceed the contribution amount computed as a percentage of base salary under that subsection, the Department of State may reimburse the employee up to the amount of such differential for the period from the date of enactment of this Act through July 1, 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.

The Senate amendment would have prohibited the State Department from funding housing benefits to certain employees of the U.S. mission to the United Nations and would have required the State Department by October 9 to submit to the appropriate Congressional Committees, a proposal to meet the housing needs of personnel in the U.S. mission to the UN. The House bill contained no provision on this matter. The conference agreement inserts new language to take effect in July 1989 which limits the housing program to no more than 18 Foreign Service Officers plus two persons who serve at the pleasure of the U.S. Representative to the UN. The conference agreement also provides for the continuation of the provision of housing to the Representative and the Deputy Repre-

representative. The conference agreement also provides for the Secretary of State to require an employee occupying housing pursuant to this provision to make a contribution from his or her salary toward the cost of such housing. This contribution is expected to be about 20 percent of salary. Finally, the conference agreement permits the Secretary of State to reduce the employee's contribution to the extent of income taxes which are paid on the value of the leased or rented quarters. The Internal Revenue Service has recently determined that income tax must be paid on the value of the leased or rented quarters of the State Department employees participating in its housing program at the U.S. mission to the UN.

Amendment No. 89: Deletes a general provision proposed by the Senate concerning the United Nations Human Rights Commission investigation of human rights conditions in Cuba. The House bill contained no provision on this matter.

The conferees agree that the Secretary of State shall certify to the appropriate committees of the Congress, within 60 days of the issuance of a final report by the United Nations Human Rights Commission on Cuban human rights conditions, whether the presence of Cuba on the Commission interfered with the independence of the human rights investigation, the preparation of the resulting report, or the consideration of this report under agenda item 12(h) at the Commission's 45th session. If a certification of objectivity cannot be made, the Secretary of State shall recommend appropriate action.

The conferees are agreed that—

(1) the United Nations, the United Nations Human Rights Commission, and the Chairman of the Commission are to be commended for Decision 1988/106 as interpreted by the Chairman which establishes a working group on Cuba to conduct an on-site investigation on Cuban human rights conditions and prepare a report for consideration under agenda item 12(h) at the 45th session on the commission in 1989;

(2) the President, the Secretary of State, the Permanent Representative of the United States to the United Nations, and the Representative of the United States to the United Nations Human Rights Commission are to be commended for their efforts to place Cuba on the agenda of the Commission and are strongly encouraged to continue to support and assist the Commission in its implementation of Decision 1988/106;

(3) the following countries are to be commended for their courageous support for an independent investigation of the human rights situation in Cuba under the auspices of the United Nations and consideration of Cuba under agenda item 12 at the 45th session of the Commission: Bangladesh, Belgium, Costa Rica, France, the Gambia, Federal Republic of Germany, Ireland, Japan, Mozambique, Norway, the Philippines, Sao Tome and Principe, Portugal, Senegal, Somalia, Togo, the United Kingdom, and Venezuela;

(4) the following countries, despite overwhelming evidence of serious human rights abuses in Cuba, failed to support the efforts of the United States to establish an independent working group on Cuba and to provide for consideration of the report of this group under agenda item 12, a nonconfidential procedure

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**INTELLIGENCE AUTHORIZATION ACT,
FISCAL YEAR 1989**

report shall include the position of the Inspector General with respect to such decision, and be transmitted within seven days to the committees."

**TITLE VI—FBI ENHANCED COUNTERINTELLIGENCE
AUTHORITIES**

**DEMONSTRATION PROJECT ON MOBILITY AND RETENTION FOR THE NEW
YORK FIELD DIVISION**

SEC. 601. (a) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a demonstration project to ascertain the effects on the recruitment and retention of personnel, and on field operations in the New York Field Division of the Federal Bureau of Investigation of providing—

(1) lump-sum payments to personnel upon directed assignment to the New York Field Division from another geographical location who enter into an agreement to complete a specified minimum period of service, not to exceed three years, in the New York Field Division, except that no lump-sum payment under this paragraph may exceed \$20,000, and no employee shall be eligible to receive more than one lump-sum payment under this paragraph in connection with each such assignment; and

Contracts.

(2) periodic payments to New York Field Division employees who are subject by policy and practice to directed geographical transfer or reassignment, except that the amounts paid under this paragraph to an employee for any period may not be less than 20 per centum nor greater than 25 per centum of the basic pay paid or payable to such employee for service performed during such period.

Any lump-sum payment under paragraph (1) and any periodic payment under paragraph (2) shall be in addition to basic pay. Any authority to make payments under this section shall be effective only to the extent of available appropriations.

(b) Such demonstration project shall commence not later than ninety days after the date of enactment of this Act and shall terminate five years after such date, unless extended by law.

Effective date.
Termination date.

(c) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall jointly provide to the President and the Congress annual interim reports and, at the conclusion of the five year period, a final evaluation concerning the results of the demonstration project.

Reports.

TITLE VII—DEPARTMENT OF DEFENSE

INTELLIGENCE PROVISIONS

SEC. 701. (a) Section 421 of title 10, United States Code, is amended to read as follows:

"§ 421. Funds for foreign cryptologic support

"(a) The Secretary of Defense may use appropriated funds available to the Department of Defense for intelligence and communications purposes to pay for the expenses of arrangements with foreign countries for cryptologic support.

Communications and telecommunications.