

IB

100TH CONGRESS
1ST SESSION

H. J. RES. 395

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 1987

Ordered to be printed with the amendments of the Senate numbered

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year
1988, and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 **(1) SECTION 1.** In order to achieve the levels of deficit
4 reduction agreed to in the Economic Summit by the Presi-
5 dent and the Joint Leadership of Congress, notwithstanding
6 any other provision of this resolution, the levels for defense
7 spending (budget function 050) for fiscal year 1988 shall not
8 exceed \$292,000,000,000 in budget authority and
9 \$285,400,000,000 in outlays and the levels for discretionary
10 non-defense domestic spending for fiscal year 1988 shall not
11 exceed \$162,900,000,000 in budget authority and
12 \$176,800,000,000 in outlays, and individual accounts within

1 this resolution shall be adjusted to meet the requirements of
2 this sentence.

3 In order to carry out the levels agreed to in the Eco-
4 nomic Summit, the Committee on Appropriations shall take
5 such steps as are necessary to apportion these levels among
6 the various subcommittees and shall make such recommenda-
7 tions in the conference report on this resolution as ensure
8 that these levels are not exceeded.

9 The following sums are hereby appropriated, out of any
10 money in the Treasury not otherwise appropriated, and out of
11 applicable corporate or other revenues, receipts, and funds,
12 for the several departments, agencies, corporations, and other
13 organizational units of the Government for the fiscal year
14 1988, and for other purposes, namely:

15 ~~(2) SEC. 101. (a) Such amounts as may be necessary~~
16 ~~for programs, projects, or activities at the rate for operations~~
17 ~~and to the extent and in the manner provided for in H.R.~~
18 ~~2763, the Departments of Commerce, Justice, and State, the~~
19 ~~Judiciary, and Related Agencies Appropriations Act, 1988,~~
20 ~~as passed by the House of Representatives on July 1, 1987.~~

21 *SEC. 101. (a) Such amounts as may be necessary for*
22 *programs, projects, or activities at the rate for operations and*
23 *to the extent and in the manner provided for in H.R. 2763,*
24 *the Departments of Commerce, Justice, and State, the Judi-*
25 *ciary, and Related Agencies Appropriations Act, 1988, as*

1 *passed by the Senate on October 15, 1987: Provided, That*
2 *none of the funds appropriated for title III shall be obligated*
3 *or expended after February 15, 1988 unless prior to that*
4 *date, the Conference Report on H.R. 1777 (the Foreign Re-*
5 *lations Act, fiscal years 1988 and 1989), the authorization*
6 *for such appropriations, has been approved: Provided further,*
7 *That discretionary domestic budget authority shall not exceed*
8 *\$10.43 billion and that discretionary domestic outlays (ex-*
9 *cluding prior year outlays) shall not exceed \$8.03 billion:*
10 *Provided further, That discretionary international affairs*
11 *budget authority shall not exceed \$3.74 billion and that dis-*
12 *cretionary international affairs outlays (excluding prior year*
13 *outlays) shall not exceed \$2.77 billion: Provided further, That*
14 *no funds provided in this joint resolution for Department of*
15 *Commerce, Export Administration, "Operations and admin-*
16 *istration" may be used for the processing or collection of fees*
17 *charged in connection with the submission or processing of*
18 *an export license application: Provided further, That no*
19 *funds appropriated to the Federal Communications Commis-*
20 *sion shall be used prior to March 22, 1988 to accept or grant*
21 *any applications to construct or operate cellular systems in*
22 *rural service areas.*

23 **(3)(b)** *Such amounts as may be necessary for pro-*
24 *grams, projects, or activities at the rate for operations and to*
25 *the extent and in the manner provided for in H.R. 3576, the*

1 Department of Defense Appropriations Act, 1988, as report-
2 ed to the House of Representatives on October 28, 1987.

3 (b) *Such amounts as may be necessary for programs,*
4 *projects, or activities at the rate for operations and to the*
5 *extent and in the manner provided for in S. 1923, the De-*
6 *partment of Defense Appropriations Act, 1988, as reported to*
7 *the Senate on December 4, 1987: Provided, That defense*
8 *budget authority shall not exceed \$276.11 billion and that*
9 *defense outlays (excluding prior year outlays) shall not*
10 *exceed \$162.44 billion.*

11 (4)(c) *Such amounts as may be necessary for pro-*
12 *grams, projects, or activities at the rate for operations and to*
13 *the extent and in the manner provided for in H.R. 2713, the*
14 *District of Columbia Appropriations Act, 1988, as passed by*
15 *the House of Representatives on June 26, 1987.*

16 (c) *Such amounts as may be necessary for programs,*
17 *projects, or activities at the rate for operations and to the*
18 *extent and in the manner provided for in H.R. 2713, the*
19 *District of Columbia Appropriations Act, 1988, as passed by*
20 *the Senate on September 30, 1987: Provided, That discre-*
21 *tionary domestic budget authority shall not exceed \$560 mil-*
22 *lion and that discretionary domestic outlays (excluding prior*
23 *year outlays) shall not exceed \$550 million.*

24 (5)(d) *Such amounts as may be necessary for pro-*
25 *grams, projects, or activities at the rate for operations and to*

1 the extent and in the manner provided for in H.R. 2700, the
2 Energy and Water Development Appropriations Act, 1988,
3 as passed by the House of Representatives on June 24,
4 1987.

5 *(d) Such amounts as may be necessary for programs,*
6 *projects, or activities at the rate for operations and to the*
7 *extent and in the manner provided for in H.R. 2700, the*
8 *Energy and Water Development Appropriations Act, 1988,*
9 *as passed by the Senate on November 18, 1987: Provided,*
10 *That discretionary domestic budget authority shall not exceed*
11 *\$9.31 billion and that discretionary domestic outlays (ex-*
12 *cluding prior year outlays) shall not exceed \$5.91 billion:*
13 *Provided further, That defense budget authority shall not*
14 *exceed \$7.75 billion and that defense outlays (excluding*
15 *prior year outlays) shall not exceed \$5.04 billion.*

16 **(6)(e)** Such amounts as may be necessary for pro-
17 grams, projects, or activities at the rate for operations and to
18 the extent and in the manner provided for in H.R. 3186, the
19 Foreign Operations, Export Financing and Related Programs
20 Appropriations Act, 1988, as reported to the House of Rep-
21 resentatives on August 6, 1987.

22 *(e) Such amounts as may be necessary for programs,*
23 *projects, or activities at the rate for operations and to the*
24 *extent and in the manner provided for in S. 1924, the For-*
25 *oreign Assistance, Export Financing and Related Programs*

1 *Appropriations Act, 1988, as reported to the Senate on De-*
2 *cember 4, 1987 except that the text in S. 1924 beginning on*
3 *line 5 of page 36 with the word 'not' down through and in-*
4 *cluding line 21 on page 40 is hereby stricken and the follow-*
5 *ing is inserted in lieu thereof: "\$490,000,000 only shall be*
6 *available only for Turkey, and \$343,000,000 only shall be*
7 *available only for Greece: Provided, That to the extent that*
8 *the Government of Israel requests that funds be used for such*
9 *purposes, credits made available for Israel under this head-*
10 *ing shall, as agreed by Israel and the United States, be*
11 *available for advanced fighter aircraft programs or for other*
12 *advanced weapon systems, as follows: (1) up to*
13 *\$150,000,000 shall be available for research and develop-*
14 *ment in the United States; and (2) not less than*
15 *\$400,000,000 shall be available for the procurement in*
16 *Israel of defense articles and defense services, including re-*
17 *search and development: Provided further, That Turkey,*
18 *Greece, Israel, and Egypt shall be released from their con-*
19 *tractual liability to repay the United States Government*
20 *with respect to the credits provided under this heading: Pro-*
21 *vided further, That during fiscal year 1988, gross obligations*
22 *for the principal amount of direct loans, exclusive of loan*
23 *guarantee defaults, shall not exceed \$4,227,000,000: Provid-*
24 *ed further, That any funds made available under this head-*
25 *ing, other than funds made available for Turkey, Greece,*

1 *Israel and Egypt, may be made available at concessional*
2 *rates of interest, notwithstanding section 31(b)(2) of the*
3 *Arms Export Control Act: Provided further, That the conces-*
4 *sional rate of interest on foreign military credit sales loans*
5 *for countries other than Turkey, Greece, Israel and Egypt*
6 *shall be not less than 5 per centum per year: Provided fur-*
7 *ther, That all country and funding level changes in requested*
8 *concessional financing allocations shall be submitted through*
9 *the regular notification procedures of the Committees on Ap-*
10 *propriations: Provided further, That funds appropriated*
11 *under this heading shall be expended at the minimum rate*
12 *necessary to make timely payment for defense articles and*
13 *services.*

14 **"FOREIGN MILITARY CREDIT SALES DEBT REFORM**

15 **"(a) Notwithstanding any other provision of law, the**
16 **President is authorized during fiscal year 1988 and fiscal**
17 **year 1989 to transfer existing United States guaranties of**
18 **outstanding Foreign Military Credit Sales debt to loans,**
19 **bonds, notes or other obligations made or issued (as the case**
20 **may be) by private United States financial institutions to**
21 **finance the prepayment at par of the principal amounts ma-**
22 **turing after September 30, 1989 of existing Foreign Military**
23 **Credit Sales loans bearing interest rates of 10 per centum or**
24 **higher, and arrearages, or to issue new guaranties for new**
25 **loans, bonds, notes or other obligations made or issued by**
26 **private United States financial institutions to finance such**

1 *prepayments and arrearages and to accept such prepayments,*
2 *as long as such guaranties which are transferred or extended*
3 *cover no less and no more than an indivisible 90 per centum*
4 *of the principal amount of the private loan or any portion or*
5 *derivative thereof plus accrued interest outstanding at any*
6 *time during the maturity period of the loan. No sums in ad-*
7 *dition to the payment of the outstanding principal amounts*
8 *maturing after September 30, 1989 of the loan (or advance),*
9 *plus any unpaid accrued interest thereon, shall be charged by*
10 *the private lender or the United States Treasury as a result*
11 *of such prepayment against the borrower, the Guarantor, or*
12 *the Guaranty Reserve Fund, except that the private lender*
13 *may include in the interest rate charged a standard fee to*
14 *cover costs which shall be set at prevailing market rates, and*
15 *no guaranty fee shall be charged on guaranties transferred or*
16 *issued pursuant to this provision. The terms of guaranties*
17 *transferred or issued under this section shall mirror the terms*
18 *of the existing loans or guaranties, except as modified by this*
19 *provision and except that the repayments of the newly issued*
20 *debt may be consolidated into two payments per year accord-*
21 *ing to standard industry practice. Any loans, bonds, notes or*
22 *other obligations made or issued or guaranties transferred or*
23 *issued pursuant to this section shall be fully and freely trans-*
24 *ferable. Any guarantee transferred or extended shall cease to*
25 *be effective if the obligation guaranteed or derivative thereof*

1 *is to be used to provide significant support for any non-regis-*
2 *tered obligation.*

3 “(b) Any country which is in default during a period in
4 excess of one year in payment to the United States of princi-
5 pal or interest on any loan made to such country guaranteed
6 by the United States pursuant to this section shall be deemed
7 to be in default pursuant to a program for which funds are
8 appropriated annually under an Act making appropriations
9 for foreign assistance and related programs.

10 “(c) For the purposes of sections 23 and 24 of the Arms
11 Export Control Act, the term ‘defense services’ shall be
12 deemed to include the refinancing of Foreign Military Credit
13 Sales debt outstanding at the date of the enactment of this
14 Act.

15 “(d) Not later than ninety days after the date of enact-
16 ment of this subsection, the Secretary of the Treasury shall
17 issue regulations to carry out the purposes of this subsection.
18 In issuing such regulations, the Secretary shall: (1) facilitate
19 the prepayment of loans and loan advances hereunder; (2)
20 provide for full processing of each prepayment or request
21 within thirty days of its submission to the Secretary; and (3)
22 except as provided in subsection 24(a) of the Arms Export
23 Control Act, as amended, impose no restriction that increases
24 the cost to borrowers of obtaining private financing for pre-

1 *payment hereunder or that inhibits the ability of the borrower*
2 *to enter into prepayment arrangements hereunder.*

3 “(e) *The Secretary of State shall transmit to the Com-*
4 *mittee on Foreign Affairs of the House of Representatives,*
5 *the Committee on Foreign Relations of the Senate, and the*
6 *Committees on Appropriations of the House of Representa-*
7 *tives and Senate, a copy of the text of any agreement entered*
8 *into pursuant to this section not more than thirty days after*
9 *its entry into force, together with a description of the transac-*
10 *tion.*

11 “*GUARANTY RESERVE FUND*

12 “*There are hereby appropriated, whenever required after*
13 *the date of enactment of this Act, such amounts as may be*
14 *necessary from time to time to meet the requirements of the*
15 *Guaranty Reserve Fund for payments of claims under guar-*
16 *anties issued under the Arms Export Control Act: Provided,*
17 *That none of the funds appropriated under title III of this*
18 *Act may be used to provide assistance to any country which,*
19 *in the absence of an agreement to which the United States is*
20 *a party for the rescheduling of debt, is more than ninety days*
21 *in arrears on the repayment of principal or interest on loans*
22 *providing credits for Foreign Military Sales.”: Provided,*
23 *That discretionary international affairs budget authority*
24 *shall not exceed \$13.04 billion and that discretionary inter-*
25 *national affairs outlays (excluding prior year outlays) shall*
26 *not exceed \$5.32 billion.*

1 **(7)(f)** Such amounts as may be necessary for pro-
2 grams, projects, or activities at the rate for operations and to
3 the extent and in the manner provided for in H.R. 2783, the
4 Department of Housing and Urban Development-Independ-
5 ent Agencies Appropriations Act, 1988, as passed by the
6 House of Representatives on September 22, 1987.

7 *(f) Such amounts as may be necessary for programs,*
8 *projects, or activities at the rate for operations and to the*
9 *extent and in the manner provided for in H.R. 2783, the*
10 *Department of Housing and Urban Development-Independ-*
11 *ent Agencies Appropriations Act, 1988, as passed by the*
12 *Senate on October 15, 1987: Provided, That discretionary*
13 *domestic budget authority shall not exceed \$40.87 billion and*
14 *that discretionary domestic outlays (excluding prior year out-*
15 *lays) shall not exceed \$18.46 billion: Provided further, That*
16 *defense budget authority shall not exceed \$350 million and*
17 *that defense outlays (excluding prior year outlays) shall not*
18 *exceed \$280 million.*

19 **(8)(g)** Such amounts as may be necessary for pro-
20 grams, projects, or activities at the rate for operations and to
21 the extent and in the manner provided for in H.R. 2712, the
22 Department of the Interior and Related Agencies Appropria-
23 tions Act, 1988, as passed by the House of Representatives
24 on June 25, 1987.

1 (g) *Such amounts as may be necessary for programs,*
2 *projects, or activities at the rate for operations and to the*
3 *extent and in the manner provided for in H.R. 2712, the*
4 *Department of the Interior and Related Agencies Appropria-*
5 *tions Act, 1988, as passed by the Senate on September 30,*
6 *1987: Provided, That discretionary domestic budget author-*
7 *ity shall not exceed \$9.79 billion and that discretionary do-*
8 *mestic outlays (excluding prior year outlays) shall not exceed*
9 *\$6.66 billion: Provided further, That of the funds provided in*
10 *this Act to the National Park Service under the head "Con-*
11 *struction", up to \$350,000 shall be available for advanced*
12 *planning and comprehensive design for the upgrade and ex-*
13 *pansion of facilities at the Mount Rushmore National Memo-*
14 *rial, to remain available until expended.*

15 (9)(h) ~~Such amounts as may be necessary for pro-~~
16 ~~grams, projects, or activities at the rate for operations and to~~
17 ~~the extent and in the manner provided for in H.R. 3058, the~~
18 ~~Departments of Labor, Health and Human Services, and~~
19 ~~Education, and Related Agencies Appropriations Act, 1988,~~
20 ~~as passed by the House of Representatives on August 5,~~
21 ~~1987.~~

22 (h) *Such amounts as may be necessary for programs,*
23 *projects, or activities at the rate for operations and to the*
24 *extent and in the manner provided for in H.R. 3058, the*
25 *Departments of Labor, Health and Human Services, and*

1 *Education, and Related Agencies Appropriations Act, 1988,*
2 *as passed by the Senate on October 14, 1987: Provided, That*
3 *discretionary domestic budget authority shall not exceed*
4 *\$38.26 billion and that discretionary domestic outlays (ex-*
5 *cluding prior year outlays) shall not exceed \$19.20 billion:*
6 *Provided further, That discretionary international affairs*
7 *budget authority shall not exceed \$5 million and that discre-*
8 *tionary international affairs outlays (excluding prior year*
9 *outlays) shall not exceed \$1 million.*

10 **(10)(i)** **Such amounts as may be necessary for pro-**
11 **grams, projects, or activities at the rate for operations and to**
12 **the extent and in the manner provided for in H.R. 2714, the**
13 **Legislative Branch Appropriations Act, 1988, as passed by**
14 **the House of Representatives on June 29, 1987.**

15 *(i) Such amounts as may be necessary for programs,*
16 *projects, or activities at the rate for operations and to the*
17 *extent and in the manner provided for in H.R. 2714, the*
18 *Legislative Branch Appropriations Act, 1988, as passed by*
19 *the Senate on September 30, 1987: Provided, That discre-*
20 *tionary domestic budget authority shall not exceed \$1.77 bil-*
21 *lion and that discretionary domestic outlays (excluding prior*
22 *year outlays) shall not exceed \$1.56 billion.*

23 **(11)(j)** **Such amounts as may be necessary for pro-**
24 **grams, projects, or activities at the rate for operations and to**
25 **the extent and in the manner provided for in H.R. 2906, the**

1 Military Construction Appropriations Act, 1988, as passed
2 by the House of Representatives on July 14, 1987.

3 (j) *Such amounts as may be necessary for programs,*
4 *projects, or activities at the rate for operations and to the*
5 *extent and in the manner provided for in H.R. 2906, the*
6 *Military Construction Appropriations Act, 1988, as passed*
7 *by the Senate on October 27, 1987: Provided, That defense*
8 *budget authority shall not exceed \$8.50 billion and that de-*
9 *fense outlays (excluding prior year outlays) shall not exceed*
10 *\$2.37 billion.*

11 (12) ~~(k)~~ Such amounts as may be necessary for pro-
12 grams, projects, or activities at the rate for operations and to
13 the extent and in the manner provided for in H.R. 3520, the
14 Rural Development, Agriculture, and Related Agencies
15 Appropriations Act, 1988, as reported to the House of
16 Representatives on October 20, 1987: *Provided, That with*
17 *respect to the line items for which monies are appropriated in*
18 *the paragraph under the heading:*

19 CORPORATIONS

20 COMMODITY CREDIT CORPORATION

21 OPERATING EXPENSES

22 in title I of such bill, any monies otherwise available to the
23 Commodity Credit Corporation not otherwise obligated (in-
24 cluding the proceeds of repayments of price support loans
25 made on the 1987 or previous crops and any proceeds of
26 sales of commodities from Commodity Credit Corporation

1 stocks) may be transferred to such line items or may be used
2 to reimburse the Commodity Credit Corporation during fiscal
3 year 1988 for net realized losses sustained, but not previous-
4 ly reimbursed (pursuant to the Act of August 17, 1961)—

5 (1) if the Secretary of Agriculture determines such
6 transfer or use is necessary to ensure the efficient and
7 effective implementation of the programs under the
8 Food Security Act of 1985, and

9 (2) the Secretary provides advance notice of the
10 transfer or use to Congress.

11 (k) *Such amounts as may be necessary for programs,*
12 *projects, or activities at the rate for operations and to the*
13 *extent and in the manner provided for in S. 1800, the Agri-*
14 *culture, Rural Development, and Related Agencies*
15 *Appropriations Act, 1988, as reported to the Senate on Oc-*
16 *tober 16, 1987: Provided, That discretionary domestic budget*
17 *authority shall not exceed \$15.11 billion and that discretion-*
18 *ary domestic outlays (excluding prior year outlays) shall not*
19 *exceed \$6.33 billion: Provided further, That discretionary*
20 *international affairs budget authority shall not exceed \$1.06*
21 *billion and that discretionary international affairs outlays*
22 *(excluding prior year outlays) shall not exceed \$1.35 billion:*
23 *Provided further, That of the funds otherwise made available*
24 *for the Animal and Plant Health Inspection Service,*

1 *\$260,000 will be used for additional employees and equip-*
2 *ment for protection of livestock against predators in Montana.*

3 **(13)(4)** *Such amounts as may be necessary for pro-*
4 *grams, projects, or activities at the rate for operations and to*
5 *the extent and in the manner provided for in H.R. 2890, the*
6 *Department of Transportation and Related Agencies Appro-*
7 *priations Act, 1988, as passed by the House of Representa-*
8 *tives on July 13, 1987.*

9 **(l)** *Such amounts as may be necessary for programs,*
10 *projects, or activities at the rate for operations and to the*
11 *extent and in the manner provided for in H.R. 2890, the*
12 *Department of Transportation and Related Agencies Appro-*
13 *priations Act, 1988, as passed by the Senate on October 29,*
14 *1987: Provided, That discretionary domestic budget author-*
15 *ity shall not exceed \$10.52 billion and that discretionary do-*
16 *mestic outlays shall not exceed \$9.18 billion.*

17 **(14)(m)** *Such amounts as may be necessary for pro-*
18 *grams, projects, or activities at the rate for operations and to*
19 *the extent and in the manner provided for in H.R. 2907, the*
20 *Treasury, Postal Service, and General Government Appro-*
21 *priations Act, 1988, as passed by the House of Representa-*
22 *tives on July 15, 1987.*

23 **(m)** *Such amounts as may be necessary for programs,*
24 *projects, or activities at the rate for operations and to the*
25 *extent and in the manner provided for in H.R. 2907, the*

1 *Treasury, Postal Service, and General Government*
 2 *Appropriations Act, 1988, as passed by the Senate on Sep-*
 3 *tember 25, 1987: Provided, That discretionary domestic*
 4 *budget authority shall not exceed \$8.49 billion and that dis-*
 5 *cretionary domestic outlays (excluding prior year outlays)*
 6 *shall not exceed \$6.94 billion: Provided further, That defense*
 7 *budget authority shall not exceed \$15 million and that de-*
 8 *fense outlays (excluding prior year outlays) shall not exceed*
 9 *\$15 million.*

10 **(15)(n)** Such amounts as may be necessary for con-
 11 tinuing the following activities, not otherwise provided for in
 12 this joint resolution, which were conducted in the fiscal year
 13 1987, under the terms and conditions provided in applicable
 14 appropriations Acts for the fiscal year 1987, at the current
 15 rate: *Provided, That no appropriation or fund made available*
 16 *or authority granted pursuant to this subsection shall be used*
 17 *to initiate or resume any project or activity for which appro-*
 18 *priations, funds, or authority were not available during fiscal*
 19 *year 1987:*

20 activities authorized by the Older Americans Act;
 21 dislocated worker assistance programs authorized
 22 by title III of the Job Training Partnership Act;
 23 activities authorized by titles III, V, X, XVII,
 24 XIX, and XX of the Public Health Service Act and
 25 the Anti-Drug Abuse Act of 1986;

1 Work Incentives (WIN) activities authorized by
2 title IV of the Social Security Act;

3 child abuse and adoption opportunities activities
4 authorized by the Child Abuse Prevention and Treat-
5 ment Act, as amended, title II of Public Law 95-266,
6 and by sections 402-409 of Public Law 98-473;

7 activities authorized by the Family Violence Pre-
8 vention and Services Act;

9 activities authorized by the Developmental Dis-
10 abilities and Assistance and Bill of Rights Act;

11 activities authorized by the Native American Pro-
12 grams Act;

13 activities of the United States Mint in the Depart-
14 ment of the Treasury; and

15 activities of the White House Conference on Drug
16 Abuse and Control in the Executive Office of the
17 President.

18 (n) Notwithstanding any other provision of this joint
19 resolution, the levels for defense spending (budget function
20 050) for fiscal year 1988 shall not exceed \$292.0 billion in
21 budget authority and shall be \$285.4 billion in outlays and
22 the levels for discretionary nondefense spending shall not
23 exceed \$162.9 billion in budget authority and \$176.8 billion
24 in outlays, and individual accounts within this resolution
25 shall be adjusted to meet the requirements of this subsection.

1 **(16)** (o) *Section 603 of title 28, United States Code,*
2 *is amended by striking the second sentence and inserting in*
3 *lieu thereof the following: "The salaries of the Deputy Direc-*
4 *tor and of six additional positions shall be fixed by the*
5 *Director at rates not to exceed the annual rate of basic pay*
6 *for positions at level IV of the Executive Schedule under*
7 *section 5315 of title 5."*

8 SEC. 102. Unless otherwise provided for in this joint
9 resolution or in the applicable appropriations Act, appro-
10 priations and funds made available and authority granted
11 pursuant to this joint resolution shall be available from
12 **(17)** ~~November 20, 1987~~ *December 16, 1987*, and shall
13 remain available until (a) enactment into law of an appropria-
14 tion for any project or activity provided for in this joint reso-
15 lution, or (b) enactment of the applicable appropriations Act
16 by both Houses without any provision for such project or
17 activity, or (c) September 30, 1988, whichever first occurs.

18 SEC. 103. Appropriations made and authority granted
19 pursuant to this joint resolution shall cover all obligations or
20 expenditures incurred for any program, project, or activity
21 during the period for which funds or authority for such
22 project or activity are available under this joint resolution.

23 SEC. 104. Expenditures made pursuant to this joint res-
24 olution shall be charged to the applicable appropriation, fund,
25 or authorization (including a continuing appropriation for the

1 full year) whenever a bill in which such applicable appropria-
2 tion, fund, or authorization (including a continuing appropria-
3 tion for the full year) is contained is enacted into law.

4 SEC. 105. Section 1515 of title 31 of the United States
5 Code is amended by striking subsection (a) and inserting in
6 lieu thereof the following:

7 “(a) An appropriation required to be apportioned under
8 section 1512 of this title may be apportioned on a basis that
9 indicates the need for a deficiency or supplemental appropria-
10 tion to the extent necessary to permit payment of such pay
11 increases as may be granted pursuant to law to civilian offi-
12 cers and employees (including prevailing rate employees
13 whose pay is fixed and adjusted under subchapter IV of chap-
14 ter 53 of title 5) and to retired and active military person-
15 nel.”.

16 SEC. 106. The provisions of appropriations Acts within
17 the purview of this joint resolution, and the provisions of ap-
18 propriations Acts within the purview of the following joint
19 resolutions making continuing appropriations (section 101(c)
20 of Public Law 96-86 (93 Stat. 657), section 101(f) of Public
21 Law 98-151 (97 Stat. 973), section 101(b) of Public Law
22 98-473 (98 Stat. 1837), section 101 (a) and (c) of Public
23 Law 99-190 (99 Stat. 1185, 1224), and section 101 (g), (i),
24 and (l) of Public Laws 99-500 and 99-591 (100 Stat. 1783-
25 242, 1783-287, 1783-308, 3341-242, 3341-287, 3341-

1 308)), shall (to the extent and in the manner specified in
2 the pertinent section of any such joint resolution) be effective
3 as if enacted into law. Those provisions are effective on the
4 date of enactment of the pertinent joint resolution except to
5 the extent a different effective date is specified in the joint
6 resolution or pertinent appropriations Act.

7 SEC. 107. Amounts and authorities provided by this res-
8 olution shall be in accordance with the reports accompanying
9 the bills as passed by or reported to the ~~(18)~~ House Senate.

10 ~~(19)~~ SEC. 108. In addition to any sums otherwise pro-
11 vided herein, there is appropriated \$500,000 to the United
12 States Information Agency, ~~“Educational and Cultural Ex-
13 change Programs”~~, which shall be made available to the Se-
14 attle Goodwill Games Organizing Committee for cultural ex-
15 changes of persons and other exchange-related activities as-
16 sociated with the Goodwill Games to be held in 1990 in
17 Seattle, Washington.

18 ~~(20)~~ SEC. 109. Section 210(d) of the Immigration and
19 Nationality Act is amended by inserting the following new
20 paragraph:

21 ~~“(2) No application fees collected by the Immigra-
22 tion and Naturalization Service (INS) pursuant to sec-
23 tion 210(b) of the Immigration and Nationality Act
24 (INA) may be used by the INS to offset the costs of
25 the special agricultural worker legalization program~~

1 until the INS implements the program consistent with
2 the statutory mandate as follows:

3 “(A) During the application period as defined
4 in section 210(a)(1)(A) of the INA the INS shall
5 not exclude from entry or deport any alien and
6 shall grant, where applicable, admission to the
7 United States, work authorization, and provide an
8 “employment authorized” endorsement or other
9 appropriate work permit to any alien who pre-
10 sents a nonfrivolous application for adjustment of
11 status subsection (a).

12 “(B) During the application period as defined
13 in section 210(a)(1)(A) of the INA the INS shall
14 permit any alien who presents a nonfrivolous ap-
15 plication for adjustment of status under subsection
16 (a) to file an application for adjustment of status
17 within the United States as provided for in section
18 210(b)(1)(B) or outside the United States as pro-
19 vided for in section 210(b)(1)(B) and, specifically,
20 under the procedures contained in 8 CFR
21 § 210.6.

22 “(C) ‘Nonfrivolous’ application is defined as
23 a declaration by the alien under penalty of perjury
24 that the alien has in fact worked the required
25 number of man-days, that identifies the type or

1 nature of documentation the alien intends to later
2 produce in conjunction with a complete applica-
3 tion, that identifies current or immediate past
4 employer(s), if known and that acknowledges that
5 false statements concerning eligibility constitute a
6 violation of title 18, United States Code, and/or
7 as an application defined in 8 CFR § 210.6(e).”.

8 (21) SEC. 110. No funds appropriated in this or any
9 other Act may be used to deport or otherwise require depar-
10 ture from the United States of an alien who either is the
11 spouse of a legalized person through a marriage entered into
12 before November 6, 1986, or was the child of a legalized
13 person as of November 6, 1986: *Provided*, That the terms
14 “child” and “spouse” have the meanings given such terms in
15 section 101 of the Immigrant and Nationality Act, and the
16 term “legalized person” means an alien who has been grant-
17 ed lawful resident status under section 210 or 245A of the
18 Immigration and Nationality Act.

19 (22) SEC. 111. In addition to any sums provided under
20 this joint resolution, there is appropriated \$1,000,000 to the
21 Commission on the Bicentennial of the Constitution for a
22 grant to the We The People 200 Committee.

23 (23) SEC. 112. None of the funds made available
24 under this joint resolution or any subsequent appropriations
25 Act for fiscal year 1988 for the Small Business Administra-

1 tion shall be used for the implementation of section 921 of
2 Public Law 99-661 and section 921 of Public Law 99-591
3 prior to September 30, 1988.

4 (24) SEC. 113. The Secretary of the Army, acting
5 through the Chief of Engineers, is directed to continue with
6 planning, design, engineering and construction of the Des
7 Moines Recreational River and Greenbelt project in accord-
8 ance with the General Design Memorandum dated Septem-
9 ber 1987 and Public Law 99-591 using funds heretofore,
10 herein, or hereafter appropriated.

11 (25) SEC. 114. PROJECT MODIFICATION.—The
12 project for flood protection on the Lower San Joaquin River,
13 California, authorized by section 10 of the Flood Control Act
14 approved December 22, 1944 (58 Stat. 901), is modified—

15 (1) to authorize the Secretary of the Army, acting
16 through the Chief of Engineers, to perform, in connec-
17 tion with the clearing and snagging authorized to be
18 performed on such river from Stockton, California, to
19 Friant Dam as part of such project by the Supplemen-
20 tal Appropriations Act, 1983 (97 Stat. 310)—

21 (A) clearing and snagging in the area of the
22 North Fork of the Kings River in Mendota Pool
23 from the southernly boundary of the James Recla-
24 mation District Number 1606 to Mendota Dam;

25 (B) fish and wildlife mitigation; and

1 (C) such rip-rapping in the area of the clear-
2 ing and snagging on such rivers as may be neces-
3 sary to prevent erosion from such clearing and
4 snagging; and

5 (2) to increase the estimated cost of the clearing
6 and snagging on the Lower San Joaquin River, includ-
7 ing the activities authorized by paragraph (1), from
8 \$5,000,000 to \$8,000,000.

9 (26) SEC. 115. Notwithstanding any other provision of
10 law, none of the funds appropriated under this Act or any
11 other Act shall be used by the Department of the Interior to
12 implement a reorganization of the Bureau of Reclamation.

13 (27) SEC. 116. (A) The McGee Creek Project of the
14 Bureau of Reclamation shall not be deemed completed until
15 such time as construction of all authorized components of the
16 project are completed, including access roads and recreation
17 areas.

18 (B) The Bureau of Reclamation shall not transfer title of
19 the project to any other entity or require repayment of the
20 project or permit refinancing of the project until such time as
21 the project is completed according to the terms of (A) above.

22 (28) SEC. 117. From within funds available for
23 Energy Supply, Research and Development Activities,
24 \$8,500,000 shall be made available as a grant for the Loma
25 Linda University Medical Center Proton-Beam Demonstra-

1 tion Cancer Treatment Center and shall remain available
2 until expended.

3 (29) SEC. 118. From within funds available for
4 Energy Supply, Research and Development Activities,
5 \$2,000,000 shall be made available as a grant for the Center
6 for Physical and Environmental Science at East Central Uni-
7 versity, Ada, Oklahoma, and shall remain available until ex-
8 pended.

9 (30) SEC. 119. The Federal Energy Regulatory Com-
10 mission is authorized to extend the time period required for
11 commencement of construction of Project No. 4506 for an
12 additional two years upon application by the licensee to the
13 Federal Energy Regulatory Commission if the Federal
14 Energy Regulatory Commission determines that an addition-
15 al extension is warranted under the standard set forth in sec-
16 tion 13 of the Federal Power Act and is in the public inter-
17 est, taking into consideration the comprehensive review re-
18 quirements of the Federal Power Act.

19 (31) (RESCISSION)

20 SEC. 120. Of the funds made available in fiscal years
21 1985 and 1986 for expenses necessary to enable the Presi-
22 dent to carry out the provisions of section 23 of the Arms
23 Export Control Act, \$64,000,000 which was allocated for
24 the Republic of Korea and which remains as uncommitted
25 balances is rescinded.

1 (32) SEC. 121. In addition to the provisions of section
2 101(e) for Foreign Operations, Export Financing and Related
3 Programs Appropriations Act, 1988 insert the following:

4 “(a)(1) Notwithstanding any numerical limitations speci-
5 fied in the Immigration and Nationality Act, the Attorney
6 General may admit aliens described in section (b) to the
7 United States as immigrants if—

8 “(A) they are admissible (except as otherwise pro-
9 vided in paragraph (2)) as immigrants; and

10 “(B) they are issued an immigrant visa and depart
11 from Vietnam during the 2-year period beginning 90
12 days after the date of the enactment of this Act.

13 “(2) The provisions of paragraphs (14), (15), (20), (21),
14 (25), and (32) of section 212(a) of the Immigration and Na-
15 tionality Act shall not be applicable to any alien seeking ad-
16 mission to the United States under this section, and the At-
17 torney General on the recommendation of a consular officer
18 may waive any other provision of such section (other than
19 paragraph (27), (29), or (33) and other than so much of para-
20 graph (23) as relates to trafficking in narcotics) with respect
21 to such an alien for humanitarian purposes, to assure family
22 unity, or when it is otherwise in the public interest. Any such
23 waiver by the Attorney General shall be in writing and shall
24 be granted only on an individual basis following an investiga-
25 tion by a consular officer.

1 “(3) Notwithstanding section 221(e) of the Immigration
2 and Nationality Act, immigrant visas issued to aliens under
3 this section shall be valid for a period of 8 months.

4 “(b)(1) An alien described in this subsection is an alien
5 who, as of the date of the enactment of this Act, is residing in
6 Vietnam and who establishes to the satisfaction of a consular
7 officer or an officer of the Immigration and Naturalization
8 Service after a face-to-face interview, that the alien—

9 “(A)(i) was born in Vietnam after January 1,
10 1962, and before January 1, 1976, and (ii) was fa-
11 thered by a citizen of the United States (such an alien
12 in this subsection referred to as a ‘principal alien’);

13 “(B) is the spouse or child of a principal alien and
14 is accompanying, or following to join, the principal
15 alien; or

16 “(C) subject to paragraph (2), either (i) is the
17 principal alien’s natural mother (or is the spouse or
18 child of such mother), or (ii) has acted in effect as the
19 principal alien’s mother, father, or next-of-kin (or is the
20 spouse or child of such an alien), and is accompanying,
21 or following to join, the principal alien.

22 “(2) An immigrant visa may not be issued to an alien
23 under paragraph (1)(C) unless the principal alien involved is
24 unmarried and the officer referred to in paragraph (1) has
25 determined, in the officer’s discretion, that (A) such an alien

1 has a bona fide relationship with the principal alien similar to
2 that which exists between close family members and (B) the
3 admission of such an alien is necessary for humanitarian pur-
4 poses or to assure family unity. If an alien described in para-
5 graph (1)(C)(ii) is admitted to the United States, the natural
6 mother of the principal alien involved shall not, thereafter, be
7 accorded any right, privilege, or status under the Immigra-
8 tion and Nationality Act by virtue of such percentage.

9 “(3) For purposes of this subsection, the term ‘child’ has
10 the meaning given such term in section 101(b)(1) (A), (B),
11 (C), (D), and (E) of the Immigration and Nationality Act.

12 “(c) Any alien admitted (or awaiting admission) to the
13 United States under this section shall be eligible for benefits
14 under chapter 2 of title IV of the Immigration and National-
15 ity Act to the same extent as individuals admitted (or await-
16 ing admission) to the United States under section 207 of such
17 Act are eligible for benefits under such chapter.

18 “(d) The Attorney General, in cooperation with the Sec-
19 retary of State, shall report to Congress 1 year, 2 years, and
20 3 years, after the date of the enactment of this Act on the
21 implementation of this section. Each such report shall include
22 the number of aliens who are issued immigrant visas and who
23 are admitted to the United States under this Act and number
24 of waivers granted under subsection (a)(2) and the reasons for
25 granting such waivers.

1 “(e) Except as otherwise specifically provided in this
2 section, the definitions contained in the Immigration and Na-
3 tionality Act shall apply in the administration of this section
4 and nothing contained in this section shall be held to repeal,
5 amend, alter, modify, effect, or restrict the powers, duties,
6 functions, or authority of the Attorney General in the admin-
7 istration and enforcement of such Act or any other law relat-
8 ing to immigration, nationality, or naturalization. The fact
9 that an alien may be eligible to be granted the status of
10 having been lawfully admitted for permanent residence under
11 this section shall not preclude the alien from seeking such
12 status under any other provision of law for which the alien
13 may be eligible.”

14 (33) SEC. 122. Section 17(d)(4)(G) of the United
15 States Housing Act of 1937 is amended by striking “36
16 months” and inserting “48 months”.

17 (34) SEC. 123. Any cooperative bank established
18 under the law of any State which was directed by the State
19 banking authority of such State to obtain Federal deposit in-
20 surance between January 1, 1985, and January 1, 1987,
21 shall be deemed to be an insured institution described in sec-
22 tion 21(f)(4)(F) of the Federal Home Loan Bank Act.

23 (35) SEC. 124. No funds shall be expended for the
24 purposes of preparing necessary documentation for and issu-
25 ance of a special use authorization permitting land use and

1 occupancy and surface disturbing activities for any project to
2 be constructed on Lewis Fork Creek in Madera County, Cali-
3 fornia, at the site above, and adjacent to, Corlieu Falls bor-
4 dering the Lewis Fork Creek National Recreation Trail until
5 both of the following conditions are met:

6 (1) A joint study is completed and submitted to
7 the Congress by the United States Forest Service and
8 the California Department of Parks and Recreation re-
9 garding the project's impact on the aesthetics of Cor-
10 lieu Falls, together with a finding that the Lewis Fork
11 Creek project will not substantially impact the flow at
12 Corlieu Falls.

13 (2) A study is completed and submitted to the
14 Congress by the United States Forest Service concern-
15 ing the project's impact on the Chukehansi Indian
16 Tribe, together with a finding that there will be no
17 impact on the tribe's adjacent sacred hot springs.

18 (36) Sec. 125. Hereafter, the Secretary of Agriculture
19 is authorized, except for urban rodent control, to conduct ac-
20 tivities and to enter into agreements with States, local juris-
21 dictions, individuals, and public and private agencies, organi-
22 zations, and institutions in the control of nuisance mammals
23 and birds and those mammal and bird species that are reser-
24 voirs for zoonotic diseases, and to deposit any money collect-
25 ed under any such agreement into the appropriation accounts

1 that incur the costs to be available immediately and to
2 remain available until expended for Animal Damage Control
3 activities.

4 **(37) SEC. 126.** Section 144(g)(2) of title 23, United
5 States Code, shall not apply to the Virginia Street Bridge in
6 Charleston, West Virginia.

7 **(38) SEC. 127.** For 80 percent of the expenses neces-
8 sary to carry out a highway bypass project in the vicinity of
9 Petoskey, Michigan, that demonstrates methods of improving
10 economic development and regional transportation, there is
11 authorized to be appropriated \$28,000,000, to remain avail-
12 able until expended, of which \$500,000 is hereby appropri-
13 ated, to remain available until expended: *Provided*, That all
14 funds appropriated under this head shall be exempt from any
15 limitation on obligations for Federal-aid highways and high-
16 way safety construction programs.

17 **(39) SEC. 128.** Funds made available to the United
18 States Postal Service pursuant to section 2401(a) of title 39,
19 United States Code, shall be used hereafter to continue full
20 postal service to the people of Holly Springs proper, includ-
21 ing upgrading, remodeling, and improving the United States
22 Post Office building located at 110 North Memphis Street,
23 Holly Springs, Mississippi.

24 **(40) SEC. 129.** (a) None of the funds made available
25 by this or any other Act with respect to any fiscal year may

1 be used to make a contract for the manufacture of distinctive
2 paper for United States currency and securities pursuant to
3 section 5114 of title 31, United States Code, with any corpo-
4 ration or other entity owned or controlled by persons not
5 citizens of the United States, or for the manufacture of such
6 distinctive paper outside of the United States or its posses-
7 sions. This subsection shall not apply if the Secretary of the
8 Treasury determines that no domestic manufacturer of dis-
9 tinctive paper for United States currency or securities exists
10 with which to make a contract and if the Secretary of the
11 Treasury publishes in the Federal Register a written finding
12 stating the basis for the determination.

13 (b) None of the funds made available by this or any
14 other Act with respect to any fiscal year may be used to
15 procure paper for passports granted or issued pursuant to the
16 first section of the Act entitled "An Act to regulate the issue
17 and validity of passports, and for other purposes", approved
18 July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured
19 outside of the United States or its possessions or is procured
20 from any corporation or other entity owned or controlled by
21 persons not citizens of the United States. This subsection
22 shall not apply if no domestic manufacturer for passport
23 paper exists.

1 **(41) SEC. 130. INTEREST ON BACK PAY FOR FEDER-**
2 **AL EMPLOYEES.—(a) IN GENERAL.—**Section 5596(b) of
3 title 5, United States Code, is amended—

4 (1) by redesignating paragraphs (2) and (3) as
5 paragraphs (3) and (4), respectively; and

6 (2) by adding after paragraph (1) the following:

7 “(2)(A) An amount payable under paragraph
8 (1)(A)(i) of this subsection shall be payable with
9 interest.

10 “(B) Such interest—

11 “(i) shall be computed for the period begin-
12 ning on the effective date of the withdrawal or re-
13 duction involved and ending on a date not more
14 than 30 days before the date on which payment is
15 made;

16 “(ii) shall be computed at the rate or rates in
17 effect under section 6621(a)(1) of the Internal
18 Revenue Code of 1986 during the period de-
19 scribed clause (i); and

20 “(iii) shall be compounded daily.

21 “(C) Interest under this paragraph shall be paid
22 out of amounts available for payments under paragraph
23 (1) of this subsection.”.

24 (1) **GENERALLY.—**Except as provided in para-
25 graph (2), the amendments made by subsection (a) shall

1 take effect on the date of the enactment of this Act,
2 and shall apply with respect to any employee found, in
3 a final judgment entered or a final decision otherwise
4 rendered on or after such date, to have been the sub-
5 ject of an unjustified or unwarranted personnel action,
6 the correction of which entitles such employee to an
7 amount under section 5596(b)(1)(A)(i) of title 5, United
8 States Code.

9 (2) EXCEPTION.—

10 (A) CASES IN WHICH A RIGHT TO INTER-
11 EST WAS RESERVED.—The amendments made by
12 subsection (a) shall also apply with respect to any
13 claim which was brought under section 5596 of
14 title 5, United States Code, and with respect to
15 which a final judgment was entered or a final de-
16 cision otherwise rendered before the date of the
17 enactment of this Act, if, under terms of such
18 judgment or decision, a right to interest was spe-
19 cifically reserved, contingent on the enactment of
20 a statute authorizing the payment of interest on
21 claims brought under such section 5596.

22 (B) METHOD OF COMPUTING INTEREST.—

23 The amount of interest payable under this para-
24 graph with respect to a claim shall be determined

1 in accordance with section 5596(b)(2)(B) of title 5,
2 United States Code (as amended by this section).

3 (C) SOURCE.—An amount payable under this
4 paragraph shall be paid from the appropriation
5 made by section 1304 of title 31, United States
6 Code, notwithstanding section 5596(b)(2)(C) of
7 title 5, United States Code (as amended by this
8 section) or any other provision of law.

9 (D) DEADLINE.—An application for a pay-
10 ment under this paragraph shall be ineffective if it
11 is filed after the end of the 1-year period begin-
12 ning on the date of the enactment of this Act.

13 (42) SEC. 131. The Administrator of the General
14 Services Administration shall initiate the planning process
15 necessary to design and construct a facility for the Social
16 Security Administration in Wilkes-Barre, Pennsylvania, pur-
17 suant to section 115 of Public Law 99-591.

18 (43) SEC. 132. PAY INCREASE FOR FEDERAL EM-
19 PLOYEES.—(a) 3 PERCENT INCREASE.—Notwithstanding
20 any other provision of law, in the case of fiscal year 1988,
21 the overall percentage of the adjustment under section 5305
22 of title 5, United States Code, in the rates of pay under the
23 General Schedule, and in the rates of pay under the other
24 statutory pay systems, shall be an increase of 3 percent.

1 (b) **EFFECTIVE DATE.**—Each increase in a pay rate or
2 schedule which takes effect pursuant to subsection (a) shall,
3 to the maximum extent practicable, be of the same percent-
4 age, and shall take effect as of the first day of the first appli-
5 cable pay period beginning on or after January 1, 1988.

6 (c) **FUNDING LIMITATION.**—Notwithstanding any other
7 provision of law, amounts appropriated in order to provide for
8 the adjustment described in subsection (a) in fiscal year 1988
9 shall cover not to exceed 35 percent of the increase in total
10 pay for such fiscal year.

11 (d) **DEFINITIONS.**—For purposes of this section—

12 (1) the term “total pay” means, with respect to a
13 fiscal year, the total amount of basic pay which will be
14 payable to employees covered by statutory pay systems
15 for service performed during such year;

16 (2) the term “increase in total pay” means, with
17 respect to a fiscal year, that part of total pay for such
18 year which is attributable to the adjustment taking
19 effect under this section during such year; and

20 (3) the term “statutory pay system” has the
21 meaning given such term by section 5301(e) of title 5,
22 United States Code.

23 (44) **SEC. 133.** (a) Notwithstanding any other provi-
24 sion of this Act or any other law, no adjustment in rates of
25 pay under section 5305 of title 5, United States Code, which

1 becomes effective on or after October 1, 1987, and before
2 October 1, 1988, shall have the effect of increasing the rate
3 of salary or basic pay for any office or position in the legisla-
4 tive, executive, or judicial branch or in the government of the
5 District of Columbia to a rate exceeding the rate (or maxi-
6 mum rate, if higher) of salary or basic pay payable for that
7 office or position as of September 30, 1987, if, as of that
8 date, such rate (or maximum rate) is—

9 (1) fixed at a rate which is equal to or greater
10 than the rate of basic pay for level V of the Executive
11 Schedule under section 5316 of title 5, United States
12 Code; or

13 (2) limited to a maximum rate which is equal to
14 or greater than the rate of basic pay for such level V
15 (or to a percentage of such a maximum rate) by reason
16 of section 5308 of title 5, United States Code, or any
17 other provision of law or congressional resolution.

18 (b) For purposes of subsection (a), the rate or maximum
19 rate (as the case may be) of salary or basic pay payable as of
20 September 30, 1987, for any office or position which was not
21 in existence on such date shall be deemed to be the rate or
22 maximum rate (as the case may be) of salary or basic pay
23 payable to individuals in comparable offices or positions on
24 such date, as determined under regulations prescribed—

1 (1) by the President, in the case of any office or
2 position within the executive branch or in the govern-
3 ment of the District of Columbia;

4 (2) jointly by the Speaker of the House of Repre-
5 sentatives and the President pro tempore of the
6 Senate, in the case of any office or position within the
7 legislative branch; or

8 (3) by the Chief Justice of the United States, in
9 the case of any office or position within the judicial
10 branch.

11 (45) SEC. 134. None of the funds in this or any other
12 Act shall be used to promulgate or otherwise implement the
13 notice of proposed rulemaking on foreign repair stations (14
14 CFR Parts 135 and 145) that was published by the Depart-
15 ment of Transportation and the Federal Aviation Administra-
16 tion in the Federal Register on November 24, 1987.

17 (46) SEC. 135. EXTENSION OF ATTAINMENT DEAD-
18 LINES.—(A) NONATTAINMENT AREAS FOR OZONE OR
19 CARBON MONOXIDE.—No restriction or prohibition under
20 section 110(a)(2)(I), section 176 (a) or (b), or section 316 of
21 the Clean Air Act shall be enforced in any State before
22 August 31, 1988, by reason of the failure of any State to
23 attain the national primary ambient air quality standard
24 under the Clean Air Act for photochemical oxidants (ozone)
25 or carbon monoxide (or both) by December 31, 1987, the

1 failure of any State to adopt and submit to the Administrator
2 an implementation plan which meets the requirements of part
3 D of title I of that Act and provides for attainment of such
4 standards by December 31, 1987, the failure of any State to
5 implement such a plan, or any combination of the foregoing.
6 If any such restriction or prohibition took effect in any State
7 before the enactment of this Act by reason of any such fail-
8 ure, the enforcement of that restriction or prohibition shall be
9 suspended until August 31, 1988. Prior to August 31, 1988,
10 the Administrator shall apply the provisions of section 173
11 (1) and (4) of that Act without regard to the December 31,
12 1987 attainment date.

13 (b) EVALUATIONS AND DESIGNATIONS.—Prior to
14 August 31, 1988, the Administrator shall evaluate air quality
15 data and make determinations with respect to the degree to
16 which areas throughout the nation have attained, or failed to
17 attain, either or both of the standards referred to in subsec-
18 tion (a) and shall designate those areas failing to attain either
19 or both of such standards as nonattainment areas within the
20 meaning of part D of title I of the Clean Air Act.

21 (47) SEC. 136. (a) Section 315 of the Communications
22 Act of 1934 (47 U.S.C. 315) is amended—

23 (1) by redesignating subsections (a) through (d) as
24 subsections (b) through (e), respectively; and

1 (2) by inserting before subsection (b) the following
2 new subsection:

3 “(a)(1) The Congress finds that—

4 “(A) despite technological advances, the electro-
5 magnetic spectrum remains a scarce and valuable
6 public resource;

7 “(B) there are still substantially more persons
8 who want to broadcast than there are frequencies to
9 allocate;

10 “(C) a broadcast license confers the right to use a
11 valuable public resource and a broadcaster is therefore
12 required to utilize that resource as a trustee for the
13 American people;

14 “(D) there is a substantial and continuing govern-
15 mental interest in conditioning the award or renewal of
16 a broadcast license on the requirement that the licens-
17 ee assure that widest possible dissemination of informa-
18 tion from diverse and antagonistic sources by present-
19 ing a reasonable opportunity for the discussion of con-
20 flicting views on issues of public importance;

21 “(E) while new video and audio services have
22 been proposed and introduced, many have not succeed-
23 ed and even those that are operating reach a far small-
24 er audience than broadcast stations;

1 “(F) even when and where new video and audio
2 services are available, they do not provide meaningful
3 alternatives to broadcast stations for the dissemination
4 of news and public affairs;

5 “(G) for more than thirty years, the Fairness
6 Doctrine and its corollaries, as developed by the Fed-
7 eral Communications Commission on the basis of the
8 provisions of this Act, have enhanced free speech by
9 securing the paramount right of the broadcast audience
10 to robust debate on issues of public importance; and

11 “(H) the Fairness Doctrine (i) fairly reflects the
12 statutory obligation of broadcasters under this Act to
13 operate in the public interest, (ii) was given statutory
14 approval by the Congress in making certain amend-
15 ments to this act in 1950, and (iii) strikes a reasonable
16 balance among the First Amendment rights of the
17 public, broadcast licensees, and speakers other than
18 owners of broadcast facilities.

19 “(2) A broadcast licensee shall afford reasonable oppor-
20 tunity for the discussion of conflicting views on issues of
21 public importance.

22 “(3) The enforcement and application of the requirement
23 imposed by this subsection shall be consistent with the rules
24 and policies of the Commission in effect on January 1,
25 1987.”

1 (b) This section and the amendment to the Communica-
2 tions Act of 1934 added by this section—

3 (1) shall take effect upon the date of enactment of
4 this Act;

5 (2) shall apply to all cases within the jurisdiction
6 of the Federal Communications Commission on or after
7 such date; and

8 (3) shall supercede the holding and findings of the
9 Commission in its memorandum opinion and order of
10 August 6, 1987, In re Complaint of Syracuse Peace
11 Council Against Television Station WTVH, Syracuse,
12 New York (F.C.C. 87-266).

13 (48) SEC. 137. HAITI.—(a) SUSPENSION OF ASSIST-
14 ANCE.—During fiscal year 1988, none of the funds made
15 available by this joint resolution or by any other Act or joint
16 resolution may be obligated or expended to provide assist-
17 ance for Haiti (other than the assistance described in subsec-
18 tion (b)) unless the democratic process set forth in the Haitian
19 Constitution approved by the Haitian people on March 29,
20 1987, especially those provisions relating to the Provisional
21 Electoral Council, is being fully and faithfully adhered to by
22 the Government of Haiti.

23 (b) EXCEPTIONS.—Subsection (a) does not apply with
24 respect to humanitarian assistance provided through private
25 and voluntary organizations or nongovernmental organiza-

1 tions or to assistance provided in order to enable the continu-
2 ation of migrant and narcotics interdiction operations.

3 (e) OTHER SANCTIONS.—It is the sense of the Con-
4 gress that, in order to further encourage the Government of
5 Haiti to adhere to the constitutionally mandated transition to
6 democracy, the President should—

7 (1) suspend Haiti's eligibility for benefits under
8 the Caribbean Basin Economic Recovery Act; and

9 (2) seek international cooperation to encourage
10 such adherence by the Government of Haiti, through
11 the imposition of an international arms embargo and
12 comprehensive trade and financial sanctions.

13 (49) SEC. 138. (a) None of the funds appropriated for
14 fiscal year 1988 by this joint resolution or any other law may
15 be obligated or expended to enter into, renew, extend,
16 amend, or otherwise modify any contract for the construc-
17 tion, alteration, or repair of any public building or public
18 work in the United States with any contractor, subcon-
19 tractor, or supplier if such contractor, subcontractor, or
20 supplier—

21 (1) is a citizen or national of Japan;

22 (2) is a corporation, partnership, or other entity
23 organized or existing under the laws of Japan, any
24 subdivision thereof, or any instrumentality of Japan or
25 such a subdivision; or

1 (3) is owned or controlled, directly or indirectly—

2 (A) by a citizen or national of Japan;

3 (B) by a corporation, partnership, or other
4 entity organized or existing under the laws of
5 Japan, any subdivision thereof; or any instrumen-
6 tality of Japan or such a subdivision; or

7 (C) by any combination of two or more of the
8 persons or entities, or both, described in subpara-
9 graphs (A) and (B) of this paragraph.

10 (b) The President or the head of a Federal agency may
11 waive the restrictions of subsection (a) of this section with
12 respect to an individual contract if the President or the head
13 of such agency determines that such action is necessary in
14 the public interest. The authority of the President or the head
15 of a Federal agency under this subsection may not be dele-
16 gated.

17 (c) As used in this section, the terms “contruction”, “al-
18 teration”, “repair”, “public building”, and “public work”
19 have the same meanings such terms have under the Act of
20 March 3, 1933 (41 U.S.C. 10 et seq.), commonly referred to
21 as the Buy American Act.

22 (50) SEC. 139. From funds appropriated under this
23 Act, a State's allotment for the program year beginning July
24 1, 1988, under section 301 (b) for the Job Training Partner-
25 ship Act (Public Law 97-300) shall be reduced by an amount

1 equal to the unexpended balance of such State's allotment as
2 of June 30, 1988, in excess of the allowable unexpended
3 carry forward. The term "allowable unexpended carry for-
4 ward" shall be defined as 20 per centum of the State's allot-
5 ment under section 301(b) of the Job Training Partnership
6 Act for the program year beginning July 1, 1987. Funds not
7 allotted to States that exceeded the allowable unexpended
8 carry forward amount shall be allotted by the Secretary in
9 accordance with section 301(b) among States giving primary
10 consideration to States which have not exceeded the allow-
11 able unexpended carry forward amount as of June 30, 1988,
12 and have an average unemployment rate for the most recent
13 twelve months greater than the national average for such
14 period. In no case shall such funds be reallocated to any State
15 which had an unexpended balance as of June 30, 1988, in
16 excess of 35 per centum of its allotment under section 301(b)
17 for the program year beginning on July 1, 1987.

18 **(51) SEC. 108. TWO PERCENT PAY INCREASE FOR**
19 *FEDERAL EMPLOYEES AND MILITARY PERSONNEL.—(a)*
20 *Notwithstanding any other provision of law, in the case of*
21 *fiscal year 1988, the overall percentage of the adjustment*
22 *under section 5305 of title 5, United States Code, in the*
23 *rates of pay under the General Schedule, and in the rates of*
24 *pay under the other statutory pay systems, shall be an in-*
25 *crease of 2 percent.*

1 (1) *EFFECTIVE DATE.*—Each increase in a pay rate
2 or schedule which takes effect pursuant to subsection (a)
3 shall, to the maximum extent practicable, be of the same per-
4 centage, and shall take effect as of the first day of the first
5 applicable pay period beginning on or after January 1, 1988.

6 (2) *DEFINITIONS.*—For purposes of this section—

7 (i) the term “total pay” means, with respect to a
8 fiscal year, the total amount of basic pay which will be
9 payable to employees covered by statutory pay systems
10 for service performed during such year;

11 (ii) the term “increase in total pay” means, with
12 respect to a fiscal year, that part of total pay for such
13 year which is attributable to the adjustment taking
14 effect under this section during such year; and

15 (iii) the term “statutory pay system” has the
16 meaning given such term by section 5301(c) of title 5,
17 United States Code.

18 (b) Notwithstanding any other provision of law, in the
19 case of fiscal year 1988, any increase in the rates of basic
20 pay, basic allowance for subsistence and basic allowance for
21 quarters for members of the uniformed services, including
22 cadets and midshipmen, shall be limited to 2 percent effective
23 January 1, 1988.

24 (52) *SEC. 109.* (a) Notwithstanding any other provi-
25 sion of this Act or any other law, no adjustment in rates of

1 *pay under section 5305 of title 5, United States Code, which*
2 *becomes effective on or after October 1, 1987, and before*
3 *October 1, 1988, shall have the effect of increasing the rate of*
4 *salary or basic pay for any office or position in the legisla-*
5 *tive, executive, or judicial branch or in the government of the*
6 *District of Columbia to a rate exceeding the rate (or maxi-*
7 *mum rate, if higher) of salary or basic pay payable for the*
8 *office or position as of September 30, 1987, if, as of that*
9 *date, such rate (or maximum rate) is—*

10 (1) *fixed at a rate which is equal to or greater*
11 *than the rate of basic pay for level V of the Executive*
12 *Schedule under section 5316 of title 5, United States*
13 *Code, or*

14 (2) *limited to a maximum rate which is equal to*
15 *or greater than the rate of basic pay for such level V*
16 *(or to a percentage of such a maximum rate) by reason*
17 *of section 5308 of title 5, United States Code, or any*
18 *other provision of law or congressional resolution.*

19 (b) *For purposes of subsection (a), the rate or maximum*
20 *rate (as the case may be) of salary or basic pay payable as of*
21 *September 30, 1987, for any office or position which was not*
22 *in existence on such date shall be deemed to be the rate or*
23 *maximum rate (as the case may be) of salary or basic pay*
24 *payable to individuals in comparable offices or positions on*
25 *such date, as determined under regulations prescribed—*

1 (1) *by the President, in the case of any office or*
2 *position within the executive branch or in the govern-*
3 *ment of the District of Columbia;*

4 (2) *jointly by the Speaker of the House of Repre-*
5 *sentatives and the President pro tempore of the Senate,*
6 *in the case of any office or position within the legisla-*
7 *tive branch, or*

8 (3) *by the Chief Justice of the United States, in*
9 *the case of any office or position within the judicial*
10 *branch.*

11 **(53)** *SEC. 110. None of the funds appropriated under*
12 *this joint resolution shall be obligated to any Immigration*
13 *and Naturalization Service detention or processing center*
14 *which holds aliens accused or convicted of a felony under*
15 *State or Federal law unless such a center has been designat-*
16 *ed as a Security-Level 3 or higher level correctional facility.*

17 **(54)** *SEC. 111. (a) Notwithstanding any other provi-*
18 *sion of this joint resolution, of the amount appropriated by*
19 *this joint resolution for fiscal years 1988 for Research, De-*
20 *velopment, Test, and Evaluation, Air Force—*

21 (1) *\$100,000,000 shall be available only for the*
22 *new small mobile intercontinental ballistic missile*
23 *(commonly known as the "Midgetman" missile); and*

1 (2) not more than \$300,000,000 shall be available
2 for the proposed rail-mobile basing mode for the MX
3 missile.

4 (b) It is the sense of Congress that the appropriation of
5 funds in this joint resolution for research and development
6 for both the new small mobile intercontinental ballistic mis-
7 sile and the proposed rail-mobile basing mode for the MX
8 missile does not constitute a commitment or express an intent
9 by Congress to provide funds to procure and deploy the Midg-
10 etman missile or to deploy any MX missiles in a rail-mobile
11 basing mode or both: Provided, That none of the funds made
12 available for the small intercontinental ballistic missile
13 program and the MX Rail-mobile program may be obligated
14 or expended before February 25, 1988; Provided further,
15 That the Secretary of Defense shall report no later than
16 February 1, 1988 to the Committees on Appropriations and
17 Armed Services of the Senate and House of Representatives
18 on the land based ICBM modernization program to include
19 the survivability of each system against the postulated threat,
20 the overall program cost of each system and the cost per fiscal
21 year of each program as well as the Secretary's recommenda-
22 tion thereon.

23 (55) SEC. 112. (a) The Congress finds—

1 (1) that the United States is spending enormous
2 resources in money, manpower, and materiel to protect
3 a fleet of Kuwaiti owned tankers,

4 (2) that the vast majority of the oil in those tank-
5 ers and in other tankers in the Gulf is destined for
6 places other than the United States,

7 (3) that other nations receive considerably more
8 economic and energy benefits from our efforts than we
9 do,

10 (4) that Japan, among other nations, is heavily
11 dependent on oil from the Persian Gulf receiving
12 nearly 50 percent of its oil imports from the Gulf,

13 (5) that nearly 30 percent of Western Europe's
14 oil imports come from the Persian Gulf,

15 (6) that the United States receives only 6 percent
16 of its oil imports from the Persian Gulf.

17 (b) It is the sense of the Congress that, in order to share
18 a portion of the burden of the protection services provided for
19 commercial shipping in the Persian Gulf by the United
20 States Armed Forces—

21 (1) countries which directly benefit from the
22 United States policy of providing military protection to
23 reflagged Kuwaiti vessels and maintaining freedom of
24 navigation in the Persian Gulf should share in the

1 *burdens incurred by the United States Armed Forces*
2 *in providing such protection;*

3 *(2) the President of the United States should*
4 *enter into negotiations with such countries to achieve a*
5 *pro-rata sharing of these burdens;*

6 *(3) the President should prepare and transmit to*
7 *the Speaker of the House of Representatives and the*
8 *President pro tempore of the Senate a report contain-*
9 *ing:*

10 *(A) his assessment of the costs incurred by*
11 *the United States Armed Forces in carrying out*
12 *the policy of protecting reflagged Kuwaiti vessels;*

13 *(B) his determination as to which countries*
14 *benefiting directly from the United States reflag-*
15 *ging policy including:*

16 *(i) Kuwait;*

17 *(ii) other oil producing Gulf states;*

18 *(iii) countries purchasing Persian Gulf*
19 *oil;*

20 *(C) an accounting of the amount of benefit*
21 *derived by each of these countries from the United*
22 *States reflagging policy;*

23 *(D) an accounting of any assistance or sup-*
24 *port such countries are already providing the*
25 *United States reflagging policy;*

1 (E) a plan apportioning the burden of
2 United States naval protection among those coun-
3 tries directly benefiting from the United States re-
4 flagging policy; and

5 (F) a discussion of the status of negotiations
6 entered into for the purpose of implementing the
7 plan.

8 **(56)** SEC. 113. It is the sense of the Senate that the
9 Secretary of Defense should name one of the new nuclear
10 aircraft carriers provided for fiscal year 1988 the U.S.S.
11 John C. Stennis.

12 **(57)** SEC. 114. (a) There are hereby transferred to the
13 President \$9,000,000 of unobligated funds, from such ac-
14 counts for which appropriations were made by Department of
15 Defense appropriations acts for the fiscal year 1987 or prior
16 fiscal years, as the President shall designate, to provide hu-
17 manitarian assistance to the Nicaraguan democratic resist-
18 ance consistent with this section.

19 (b) The President is authorized to transfer or reprogram
20 unobligated funds from such accounts for which appropria-
21 tions were made by Department of Defense appropriations
22 acts for the fiscal year 1987 or prior fiscal years, as the
23 President shall designate, to provide transportation of hu-
24 manitarian and other assistance previously, specifically au-
25 thorized by law to the Nicaraguan democratic resistance.

1 (c) *As used in this section, the term "humanitarian as-*
2 *sistance" means food, clothing, shelter, and medical supplies*
3 *and services.*

4 (d)(1) *Funds made available by subsections (a) and (b)*
5 *shall be available for the purposes described in sections 101,*
6 *102, and 104 of the Intelligence Authorization Act, Fiscal*
7 *Year 1988 (Public Law 100-178), subject to the provisions*
8 *of this section, and for the same periods of time, but not to*
9 *exceed February 29, 1988, as such funds would have been*
10 *available if this section had not been enacted.*

11 (2) *The authority to support, monitor, and manage the*
12 *activities for which this section provides funds shall continue*
13 *until the funds transferred by subsection (a) have been ex-*
14 *panded.*

15 (e) *The requirements, terms, and conditions of the sec-*
16 *tions to which subsection (d)(1) refers, section 10 of Public*
17 *Law 91-672, section 502 of the National Security Act of*
18 *1947, section 15(a) of the State Department Basic Authori-*
19 *ties Act of 1956, and any other provision of law shall be*
20 *deemed to have been met for the transfer and use consistent*
21 *with this section of the funds made available by subsections*
22 *(a) and (b).*

23 (f) *Sections 203(e), 204(b), 207, 209(b), and 209(c),*
24 *and the first sentence of section 203(d), in "TITLE II—*
25 *CENTRAL AMERICA" in section 101(k) of the continu-*

1 *ing appropriations resolution for the fiscal year 1987 (Public*
2 *Laws 99-500 and 99-591) shall apply with respect to funds*
3 *made available by this section.*

4 *(g) If, on January 17, 1988, a cease-fire negotiated be-*
5 *tween the Government of Nicaragua and the Nicaraguan*
6 *democratic resistance is in place and the Government of*
7 *Nicaragua is in compliance with the Guatemala Accord of*
8 *August 7, 1987, then the President shall, to the maximum*
9 *extent practicable, make the unobligated balance of funds*
10 *transferred by subsection (a) available for administration*
11 *consistent with this section by nonpolitical humanitarian*
12 *international organizations.*

13 **(58)** *SEC. 115. The following portion of the Hudson*
14 *River in New York County, State of New York, is hereby*
15 *declared not to be part of the federally authorized Channel*
16 *Deepening Project: that portion of the Hudson River lying to*
17 *the west of the United States Pierhead Line as it exists on*
18 *the effective date of this joint resolution, more specifically*
19 *described as beginning at a point at the intersection of the*
20 *north side of North Cove and the existing pierhead line, pro-*
21 *ceeding in a northerly direction along the existing pierhead*
22 *line to a point formed by the pierhead line and the southerly*
23 *side of Vesey Street if extended; thence in a westerly direc-*
24 *tion on a line perpendicular to the existing pierhead line 200*
25 *feet to a point; thence southerly on a line parallel to the exist-*

1 *ing pierhead line to a point on the northerly line of the North*
2 *Cove if extended; thence in an easterly direction 200 feet to*
3 *the point and place of beginning. This declaration shall apply*
4 *to all or any part of the above-described area used or needed*
5 *for trans-Hudson passenger ferry boat service as such may be*
6 *operated by or contracted for operation by a bistate agency*
7 *created by Compact between the States of New York and*
8 *New Jersey.*

9 **(59)** *SEC. 116. Of funds available to the Army Corps*
10 *of Engineers, Flood Control and Navigation, Research and*
11 *Development, not less than \$250,000 shall be made available*
12 *for research to prevent ice jamming and related flooding in*
13 *the Dump Creek area of the Salmon River in Idaho.*

14 **(60)** *SEC. 117. It is the sense of the Senate that the*
15 *Secretary of the Army shall instruct the Army Corps of En-*
16 *gineers that it may not operate more than four generators*
17 *simultaneously at the Harry S. Truman Dam and Reser-*
18 *voir, Missouri, in the absense of a plan for operation of the*
19 *dam approved by the Missouri Department of Conservation*
20 *and the Missouri Department of Natural Resources.*

21 **(61)** *SEC. 118. The lock and dam on the Tombigbee*
22 *River in Pickens County, Alabama, commonly known as the*
23 *Aliceville Lock and Dam, and the resource management and*
24 *visitor center at Aliceville Lake on the Tennessee-Tombigbee*
25 *Waterway shall hereafter be known and designated as the*

1 *“Tom Bevill Lock and Dam” and the “Tom Bevill Resource*
2 *Management and Visitor Center at Aliceville Lake on the*
3 *Tennessee-Tombigbee Waterway”, respectively. Any refer-*
4 *ence in a law, map, regulation, document, or paper of the*
5 *United States to such lock and dam and any reference in a*
6 *law, map, regulation, document, or paper of the United*
7 *States to such resource management and visitor center shall*
8 *be held to be a reference to the “Tom Bevill Lock and Dam”*
9 *and the “Tom Bevill Resource Management and Visitor*
10 *Center at Aliceville Lake on the Tennessee-Tombigbee Wa-*
11 *terway”, respectively.*

12 **(62) SEC. 119. STINGER MISSILES. (a) PROHIBI-**
13 **TION.—***Except as provided in paragraph (b), no Stinger*
14 *antiaircraft missiles may be provided, directly or indirectly,*
15 *by sale, lease, grant or otherwise, during fiscal year 1988 to*
16 *any country in the Persian Gulf region.*

17 **(b) EXCEPTION.—***Notwithstanding the prohibition in*
18 *paragraph (a), such missiles may be provided to Bahrain if*
19 *the President certifies to Congress that—*

20 **(1)** *such missiles are needed by the recipient*
21 *country to counter an immediate air threat and/or to*
22 *contribute to the protection of United States personnel,*
23 *facilities or operations;*

24 **(2)** *no other appropriate system is available from*
25 *the United States;*

1 (3) *the recipient agrees to safeguards as required*
2 *in the Letter of Offer and Acceptance by the United*
3 *States Government to protect against diversion; and*

4 (4) *the recipient country has agreed to a United*
5 *States buyback of all the remaining missiles and com-*
6 *ponents which have not been destroyed or fired in order*
7 *to return them to the possession and control of the*
8 *United States when another United States air defense*
9 *system which meets the military requirements can be*
10 *made available or not more than 18 months from the*
11 *enactment of this legislation.*

12 (c) *REPORT.—Not later than 3 months after the date of*
13 *enactment of this joint resolution, the President shall submit*
14 *to the Congress a report which assesses the global threat*
15 *caused by the proliferation of man-portable ground-to-air*
16 *missiles with advanced technology comparable to that of the*
17 *Stinger missile, without regard to the country of origin of*
18 *those missiles. This report shall give special emphasis to the*
19 *danger of such missiles being used in acts of terrorism. Fur-*
20 *ther, that the President review and report every 3 months on*
21 *the conditions and timing under which the appropriate*
22 *system may be delivered and the means for subsequent recov-*
23 *ery of any Stinger missiles sold under the authority of this*
24 *provision.*

1 (d) *NOTIFICATION.*—*Before issuing any letter of offer*
2 *to sell or provide Stinger missiles (without regard to the*
3 *amount of the sale or transfer) the President shall notify the*
4 *Speaker of the House of Representatives and the Majority*
5 *Leader of the Senate. Any such notification shall contain the*
6 *information required in a certification under section 36(b) of*
7 *the Arms Export Control Act.*

8 (63) *SEC. 120.* *None of the funds appropriated by this*
9 *joint resolution to carry out chapter 2 of part II (relating to*
10 *grant military assistance) or chapter 5 of part II (relating to*
11 *international military education and training) of the Foreign*
12 *Assistance Act of 1961 shall be obligated or expended for the*
13 *People's Republic of Mozambique after January 1, 1988*
14 *unless on that date the President has certified to the Congress*
15 *that the Government of the People's Republic of Mozam-*
16 *bique—*

17 (A) *is making a concerted and significant effort to*
18 *comply with internationally recognized human rights;*

19 (B) *is making continued progress in implement-*
20 *ing essential economic and political reforms, including*
21 *the restoration of private property and respect for the*
22 *right to engage in free enterprise in all sectors of the*
23 *economy;*

24 (C) *has implemented a plan to reduce the number*
25 *of foreign military personnel to no more than 55; and*

1 (D) is committed to holding free elections at a
2 date no later than September 30, 1988, and to that end
3 has demonstrated its good faith efforts to begin discus-
4 sions with all major political factions in Mozambique
5 which have declared their willingness to find and im-
6 plement an equitable political solution to the conflict
7 with such solution to involve a commitment to—

8 (I) the electoral process with internationally
9 recognized observers; and

10 (II) the elimination of all restrictions on the
11 formation and activities of opposition political
12 parties.

13 **(64)** SEC. 121. Section 620E of the Foreign Assist-
14 ance Act of 1961 is amended:

15 (1) by revising subsection (d) to read as follows:

16 “(d) The President may waive the prohibitions of sec-
17 tion 669 (a) and (b) of this Act at any time during the period
18 beginning on the date of enactment of this subsection and
19 ending on September 30, 1993, to provide assistance to Paki-
20 stan during that period if he determines that to do so is in the
21 interest of the United States.” and

22 (2) by adding the following new subsection:

23 “(f)(1) No assistance under chapter 2 or 5 of part II of
24 this Act may be furnished to any country for which a waiver
25 of section 669 or 670 of this Act is in effect, and no arms

1 sales may be financed for any such country under the Arms
2 Export Control Act, until the President has certified to the
3 Congress that such country is not producing high enriched
4 uranium as defined in section 133(b) of the Atomic Energy
5 Act, separated plutonium, or uranium-233.

6 “(2) the President may waive the prohibitions of para-
7 graph (1) for any such country if the President certifies to
8 Congress, during the fiscal year in which assistance is to be
9 furnished, that termination of such assistance with respect to
10 the country would result in a serious threat to the national
11 security interests of the United States.”

12 **(65) SEC. 122.** Notwithstanding any other provision
13 of law or this joint resolution, none of the funds appropriated
14 or otherwise made available by this joint resolution may be
15 made available to the Government of Mozambique unless the
16 President certifies and reports to Congress that:

17 (1) the Government of Mozambique has made
18 progress toward returning church radio stations and
19 schools;

20 (2) the Government of Mozambique has issued
21 guarantees against the future expropriation of private
22 property;

23 (3) the number of Soviet and East-European
24 military and security personnel in Mozambique are
25 significantly reduced from levels of 1986.

1 **(66)** *SEC. 123. The Secretary of Treasury shall in-*
2 *struct the United States Executive Directors to the multilat-*
3 *eral development banks (the International Bank for Recon-*
4 *struction and Development, the International Finance Cor-*
5 *poration, and the Inter-American Development Bank) to vote*
6 *against any loan to Panama, unless the President has certi-*
7 *fied in advance that the conditions set forth in S. 1924, sec-*
8 *tion 569 1-4 have been met.*

9 **(67)** *SEC. 124. (a) The Senate finds that—*

10 *(1) the United States must maintain its leader-*
11 *ship in space because of its importance to our national*
12 *and economic security;*

13 *(2) the Nation's space program can inspire our*
14 *youth to careers in science, mathematics, and engineer-*
15 *ing;*

16 *(3) the Nation's space science, space applications,*
17 *and space technology program are an important ele-*
18 *ment of United States foreign policy;*

19 *(4) the space program is a symbol of the Nation's*
20 *technological leadership and competitive spirit; and*

21 *(5) the space station program is essential to main-*
22 *taining United States leadership in space and to pro-*
23 *moting the development of space for the benefit of all*
24 *mankind.*

1 **(b)** *It is the sense of the Senate that appropriations be*
2 *provided to support the development of a permanently*
3 *manned space station in cooperation with Canada, Japan,*
4 *and the European Space Agency within a realistic budget*
5 *allocation for the civilian space program.*

6 **(68) SEC. 125. EXTENSION OF NONATTAINMENT**
7 **SANCTIONS.—**

8 **(a) NONATTAINMENT AREAS FOR OZONE OR**
9 **CARBON MONOXIDE.—***No restriction or prohibition*
10 *on construction, permitting, or funding under section*
11 *110(a)(2)(I), 173(4), 176(a), 176(b), or 316 of the*
12 *Clean Air Act shall be imposed or take effect during*
13 *the period prior to August 31, 1988, by reason of (1)*
14 *the failure of any nonattainment area to attain the na-*
15 *tional primary ambient air quality standard under the*
16 *Clean Air Act for photochemical oxidants (ozone) or*
17 *carbon monoxide (or both) by December 31, 1987, (2)*
18 *the failure of any State to adopt and submit to the Ad-*
19 *ministrator of the Environmental Protection Agency*
20 *an implementation plan that meets the requirements of*
21 *part D of title I of such Act and provides for attain-*
22 *ment of such standards by December 31, 1987, (3)*
23 *the failure of any State or designated local government*
24 *to implement the applicable implementation plan, or*
25 *(4) any combination of the foregoing. During such*

1 *period and consistent with the preceeding sentence, the*
2 *issuance of a permit (including required offsets) under*
3 *section 173 of such Act for the construction or modifi-*
4 *cation of a source in a nonattainment area shall not be*
5 *denied solely or partially by reason of the reference*
6 *contained in section 171(l) of such Act to the applica-*
7 *ble date established in section 172(a). This subsection*
8 *shall not apply to any restriction or prohibition in*
9 *effect under section 110(a)(2)((I), 173(4), 176(a),*
10 *176(b), or 316 of such Act prior to the enactment of*
11 *this section.*

12 **(b) EVALUATIONS AND DESIGNATIONS.**—*Prior*
13 *to August 31, 1988, the Administrator of the Environ-*
14 *mental Protection Agency shall evaluate air quality*
15 *data and make determinations with respect to which*
16 *areas throughout the nation have attained, or failed to*
17 *attain, either or both of the national primary ambient*
18 *air quality standards referred to in subsection (a) and*
19 *shall take appropriate steps to designate those areas*
20 *failing to attain either or both of such standards as*
21 *nonattainment areas within the meaning of part D of*
22 *title I of the Clean Air Act.*

23 **(69) SEC. 126.** *Section 102(a)(4) of the Housing and*
24 *Community Development Act of 1974 is amended by strik-*
25 *ing out the third sentence and inserting in lieu thereof the*

1 following: "Any unit of general local government that be-
2 comes eligible to be classified as a metropolitan city, and was
3 not classified as a metropolitan city in the immediately pre-
4 ceding fiscal year, may, upon submission of written notifica-
5 tion to the Secretary, defer its classification as a metropoli-
6 tan city for all purposes under this title, if it elects to have its
7 population included in an urban county under subsection (d).
8 Notwithstanding the second sentence of this paragraph, a city
9 may elect not to retain its classification as a metropolitan
10 city for fiscal year 1988 or 1989."

11 **(70)** SEC. 127. (a) Section 247(c)(1) of the National
12 Housing Act is amended by inserting before the period at the
13 end the following: "(or, in the case of an individual who suc-
14 ceeds a spouse or parent in an interest in a lease of Hawai-
15 ian homelands, such lower percentage as may be established
16 for such succession under section 209 of the Hawaiian
17 Homes Commission Act, 1920, or under the corresponding
18 provision of the constitution of the State of Hawaii adopted
19 under section 4 of the Act entitled 'An Act to provide for the
20 admission of the State of Hawaii into the Union', approved
21 March 18, 1959 (73 Stat. 5))".

22 (b) Section 247 of the National Housing Act is further
23 amended—

24 (1) by redesignating subsection (c) as subsection
25 (d); and

1 (2) by inserting after subsection (b) the following
2 new subsection:

3 “(c) Notwithstanding any other provision of this Act,
4 the insurance of a mortgage using the authority contained in
5 this section shall be the obligation of the General Insurance
6 Fund established in section 519. The mortgagee shall be eli-
7 gible to receive the benefits of insurance as provided in sec-
8 tion 204 with respect to mortgages insured pursuant to this
9 section, except that (1) all references in section 204 to the
10 Mutual Mortgage Insurance Fund or the Fund shall be con-
11 strued to refer to the General Insurance Fund; and (2) all
12 references in section 204 to section 203 shall be construed to
13 refer to the section under which the mortgage is insured.”.

14 (71) SEC. 128. Notwithstanding any other provision
15 of law, none of the funds made available by this or any other
16 appropriations Act shall be available to the Environmental
17 Protection Agency or related agency for the purpose of cancel-
18 lation or suspension of any pesticide registration for failure
19 of any manufacturer, formulator, registrant or user to comply
20 with PR Notices 87-4 and 87-5 relating to labeling of such
21 substances prior to September 15, 1988, nor shall funds be
22 available to such agency for the purpose of enforcement ac-
23 tions against any user of any pesticide whose use is substan-
24 tially in conformance with label instructions in existence as
25 of August 1, 1987, nor to propose or order any other revision

1 *in such labeling for the reasons cited in PR Notices 87-4*
2 *and 87-5, issued on or about May 1, 1987, prior to*
3 *September 15, 1988.*

4 **(72)** *SEC. 129. Section 1(b) of the Act of October 17,*
5 *1984 entitled "An Act to withdraw certain public lands in*
6 *Lincoln County, Nevada" (Public Law 98-485), is amended*
7 *by striking out "December 31, 1987." and inserting in lieu*
8 *thereof "March 31, 1988".*

9 **(73)** *SEC. 130. Notwithstanding any other provision*
10 *of law, the Secretary of Energy is directed to notify the Ap-*
11 *propriations and Energy and Natural Resources Committees*
12 *of the Senate and the appropriate authorizing committees of*
13 *the House of his intent to enter into a binding contract for the*
14 *sale of the Great Plains Coal Gasification Plant in Beulah,*
15 *North Dakota. Such notification shall—*

16 *(a) be submitted to the Congress at least thirty*
17 *calendar days before the agreement is effective; and*

18 *(b) include a detailed description as to the terms*
19 *and conditions of the sale, including, but not limited*
20 *to, the purchase price, the name of the prospective pur-*
21 *chaser, the rationale used in evaluating and ultimately*
22 *selecting the firm to transfer ownership of the plant*
23 *and associated assets, the relationship of the purchaser*
24 *to national security interests; and a statement of com-*

1 *mitment signed by an authorized individual of the pur-*
2 *chaser for continued long-term operation of the facility*
3 *at a rate and for a period determined appropriate and*
4 *reasonable by the Secretary.*

5 **(74) SEC. 131.** *It is the sense of the Senate that the*
6 *Secretary of Energy should place high priority on the contin-*
7 *ued long-term operation of the Great Plains Coal Gasifica-*
8 *tion Plant as part of its divestiture activity. Continued long-*
9 *term operation is needed to avoid disruptions to the local com-*
10 *munity, capture the benefits associated with extended plant*
11 *operations and collect emission reduction technology data. A*
12 *prerequisite to consideration of any offer must be a statement*
13 *of commitment signed by an authorized individual for contin-*
14 *ued long-term operation of the facility at a rate and for a*
15 *period determined appropriate and reasonable by the Secre-*
16 *tary. The 25-year Gas Purchase Agreements are effective*
17 *until 2009. There must be a proper balance between realizing*
18 *fair value for the project and continued operation. The Secre-*
19 *tary of Energy shall submit to the Appropriations Commit-*
20 *tees of the Senate and House and the Energy and Natural*
21 *Resources Committee of the Senate, and the appropriate au-*
22 *thorizing committees of the House, the rationale used in eval-*
23 *uating and ultimately selecting the firm to transfer owner-*
24 *ship of the plant and associated assets. The Department must*
25 *assure the Federal, State and local governments as well as*

1 *the affected citizens of the area that a fair, reasonable, and*
2 *equitable arrangement has been arrived at during the divesti-*
3 *ture process.*

4 **(75)** *SEC. 132. (a) From funds appropriated under*
5 *this joint resolution such sums as are necessary shall be*
6 *made available to pay forest firefighters premium pay under*
7 *the provisions of subchapter V of chapter 55 of title 5, United*
8 *States Code (notwithstanding the limitations of section 5547*
9 *of such title), for all premium pay—*

10 *(1) that would have been paid to such forest fire-*
11 *fighter employees, but for the provisions of section*
12 *5547 of such title, for all pay periods (and parts there-*
13 *of) occurring during the period beginning on January*
14 *1, 1987, through September 30, 1987; and*

15 *(2) earned by such forest firefighter employees in*
16 *the fiscal year ending on September 30, 1988.*

17 *(b) Notwithstanding the provisions of subsection (a), no*
18 *forest firefighter employee may be paid premium pay to the*
19 *extent that the aggregate rate of pay of such employee for the*
20 *aggregate of all pay periods in any calendar year exceeds the*
21 *maximum rate for GS-15 as provided under the General*
22 *Schedule pursuant to subchapter III of chapter 53 of title 5,*
23 *United States Code.*

24 *(c) For purposes of this subsection, the term "forest fire-*
25 *fighter" means any employee of the Department of Agricul-*

1 *ture or the Department of the Interior who is assigned to, or*
2 *in support of, work on forest wildfire emergencies.*

3 **(76)** *SEC. 133. Section 105(i) of the Compact of Free*
4 *Association Act of 1985 (99 Stat. 1795, 48 U.S.C. 1681) is*
5 *amended by adding the following new paragraph (3) and re-*
6 *numbering the subsequent paragraph accordingly:*

7 *“(3) In addition to the programs set forth in paragraph*
8 *(2) of this subsection, and pursuant to section 224 of the*
9 *Compact, the Pell Grant Program, the Supplemental Educa-*
10 *tional Opportunity Grant Program, and the College Work-*
11 *Study Program shall be extended for 1 year, on a non-reim-*
12 *bursable basis, to citizens of the Freely Associated States*
13 *who are, or will be, attending postsecondary institutions in*
14 *the United States, its territories and commonwealths, the*
15 *Trust Territory of the Pacific Islands, and the Freely Associ-*
16 *ated States, provided that the government of the Freely Asso-*
17 *ciated State of which the student is a citizen certifies that the*
18 *course of study that the student is, or will be pursuing, is*
19 *designed to advance the purposes of the official overall eco-*
20 *nomie development plan referred to in section 211(b) of the*
21 *Compact.”.*

22 **(77)** *SEC. 134. Notwithstanding any other provision*
23 *of law, each eligible Indian student (as defined by section*
24 *1128(f) of the Education Amendments of 1978 (25 U.S.C.*
25 *2008(f))) who was in attendance at the Little Wound High*

1 *School on the Pine Ridge Reservation during the week of*
2 *September 21-25, 1987, shall be deemed properly enrolled in*
3 *the Little Wound High School and shall be taken into ac-*
4 *count in determining the amount of funds allotted to the*
5 *Little Wound High School for the 1987-1988 academic year*
6 *pursuant to section 1128 of the Education Amendments of*
7 *1978.*

8 **(78)** *SEC. 135. Hereafter, status as an Indian or*
9 *Alaska Native, membership in an Indian tribe, ownership of*
10 *stock in a tribal or an Alaska Native corporation, or owner-*
11 *ship or lease of tribal lands, or membership on the Board of*
12 *Directors of an Alaska Native corporation, shall not be con-*
13 *sidered a financial interest for the purposes of section 208 of*
14 *title 18 of the United States Code.*

15 **(79)** *SEC. 136. (a) Paragraph (37) of section 3 of the*
16 *Employee Retirement Income Security Act of 1974 (29*
17 *U.S.C. 1002(3)) is amended by adding at the end thereof the*
18 *following new subparagraph:*

19 *“(F)(i) For purposes of this title a qualified football*
20 *coaches plan—*

21 *“(I) shall be treated as a multiemployer plan to*
22 *the extent not inconsistent with the purposes of this*
23 *subparagraph; and*

1 “(II) notwithstanding section 401(k)(4)(B) of
2 such Code, may include a qualified cash and deferred
3 arrangement.

4 “(ii) For purposes of this subparagraph, the term ‘quali-
5 fied football coaches plan’ means any defined contribution
6 plan which is established and maintained by an organiza-
7 tion—

8 “(I) which is described in section 501(c);

9 “(II) the membership of which consists entirely of
10 individuals who primarily coach football as full-time
11 employees of 4-year colleges or universities described in
12 section 170(b)(1)(A)(ii); and

13 “(III) which was in existence on September 18,
14 1986.”

15 (b) The amendment made by this section shall apply to
16 years beginning after the date of the enactment of this joint
17 resolution.

18 **(80)** SEC. 137. Notwithstanding any other provisions
19 of this joint resolution, the amount made available for Star
20 Schools under H.R. 3058, the Department of Labor, Health
21 and Human Services, and Education and Related Agencies
22 Appropriations Act, 1988, as passed by the Senate shall be
23 available for carrying out the provisions of title IX of the
24 Education for Economic Security Act, relating to Star

1 *Schools, as contained in section 6005 of the Senate amend-*
2 *ment to H.R. 5.*

3 **(81)** *SEC. 138. (a)(1) Notwithstanding any other pro-*
4 *vision of this joint resolution, for the purposes of making ad-*
5 *justments under section 619(a)(2)(E) of the Education of the*
6 *Handicapped Act for fiscal year 1987, the number of handi-*
7 *capped children aged 3 to 5, inclusive receiving special edu-*
8 *cation and related services for purposes of section*
9 *619(a)(2)(A)(ii)(II) of such Act shall be equal to the number*
10 *of such children receiving special education and related serv-*
11 *ices on December 1, 1987, or, if the State educational agency*
12 *so chooses, the number of such children on March 1, 1987.*

13 *(2) In complying with paragraph (1), the Secretary of*
14 *Education may not use the March 1 count for the purpose of*
15 *this subsection unless it is received by the Secretary not later*
16 *than April 15, 1988.*

17 *(3) For the purpose of this subsection, only children*
18 *aged three through five, inclusive, as of December 1, 1987,*
19 *may be included in the March 1, 1988, count.*

20 *(b) The provisions of subsection (a) shall be effective as*
21 *if enacted on October 8, 1986.*

22 **(82)** *SEC. 139 There is authorized \$10,000,000 to es-*
23 *tablish the Warren G. Magnuson Foundation and Margaret*
24 *Chase Smith Foundation Assistance Act.*

1 *SEC. 140. (a) In recognition of the public service of*
2 *Senator Warren G. Magnuson, the Secretary of Education*
3 *shall make grants, in accordance with the provisions of this*
4 *joint resolution, to the Warren G. Magnuson Foundation for*
5 *use in the development and activities of the Warren G. Mag-*
6 *nuson Health Services Center at the University of Washing-*
7 *ton at Seattle, Washington, and for other health and educa-*
8 *tion related activities of the Foundation.*

9 *(b) In recognition of the public service of Senator Mar-*
10 *garet Chase Smith, the Secretary of Education shall make*
11 *grants, in accordance with the provisions of this joint resolu-*
12 *tion to the Margaret Chase Smith Foundation for use in the*
13 *development and activities of the Margaret Chase Smith Li-*
14 *brary Center, located in Skowhegan, Maine.*

15 *(c) No payment may be made under this joint resolution*
16 *unless an application is made to the Secretary of Education*
17 *at such time, in such manner, and containing or accompa-*
18 *nied by such information as the Secretary of Education may*
19 *require.*

20 *SEC. 141. (a) There are authorized to be appropriated*
21 *such sums, not to exceed \$5,000,000 as may be necessary to*
22 *carry out the provisions of section 140(a) of this joint*
23 *resolution.*

1 **(b)** *There are authorized to be appropriated such sums,*
2 *not to exceed \$5,000,000 as may be necessary to carry out*
3 *the provisions of section 140(b) of this joint resolution.*

4 **(c)** *Funds appropriated under this joint resolution shall*
5 *remain available until expended.*

6 **(83) SEC. 142. (a) FINDINGS.—***The Congress finds*
7 *that—*

8 **(1)** *since America's international competitiveness*
9 *and future prosperity require national investments in*
10 *America's children and youth;*

11 **(2)** *since a growing spectrum of business and*
12 *economic leaders, including the highly respected Com-*
13 *mittee for Economic Development, recognize the impor-*
14 *tance of investing in cost-effective programs that have a*
15 *proven track record assisting low income children;*

16 **(3)** *since one out of five American children live*
17 *in poverty in this Nation, with minority children at*
18 *even greater risk (more than two in every five black*
19 *children and more than one out of every three Hispanic*
20 *children live in poor families); and*

21 **(4)** *since the recent budget summit agreement*
22 *stipulates that in implementing the budget agreement,*
23 *essential programs for the poor should be a priority.*

24 **(b) SENSE OF THE SENATE.—***Therefore, be it declared*
25 *that it is the sense of the Senate that to the extent possible,*

1 *funding for high priority programs for low income and disad-*
2 *vantaged children should be preserved, in determining where*
3 *to make reductions in order to comply with the spending limi-*
4 *tations reflected in the summit agreement between the Joint*
5 *Leadership of the Congress.*

6 **(84)** *SEC. 143. Notwithstanding any other provision*
7 *of this joint resolution or any other provision of law, the Sec-*
8 *retary of Education shall give priority to Blackburn College,*
9 *located in Carlinville, Illinois, in carrying out the provisions*
10 *of section 442(a)(2) of the Higher Education Act of 1965*
11 *relating to the allocation of funds for the Work Study Pro-*
12 *gram under part C of title IV of that Act for eligible institu-*
13 *tions that begin participation in that program after fiscal*
14 *year 1985.*

15 **(85)** *SEC. 144. The Committee on Rules and Admin-*
16 *istration of the Senate may provide for the distribution of*
17 *unused food from the Senate cafeterias under the jurisdiction*
18 *of the committee to the needy of the District of Columbia*
19 *through an appropriate private distribution organization se-*
20 *lected by the committee.*

21 **(86)** *SEC. 145. (a) The Congress finds that—*

22 *(1) States have adopted senior citizen advocacy*
23 *and legislative bodies;*

24 *(2) older Americans are therefore provided oppor-*
25 *tunity within their States to express their concerns,*

1 *promote appropriate interests, and advance the common*
2 *good by influencing legislation and actions of State*
3 *government; and*

4 *(3) a National Silver Haired Congress with rep-*
5 *resentatives from each State would serve as a national*
6 *grassroots forum to determine on a nonpartisan basis*
7 *the recommendations for solutions to older American*
8 *concerns without regard to race, creed, national origin*
9 *or social status.*

10 *(b)(1) The Congress encourages and authorizes the con-*
11 *vening of a National Silver Haired Congress in Washing-*
12 *ton, District of Columbia in 1989.*

13 *(2) The Speaker of the House of Representatives and*
14 *the President pro tempore of the Senate shall facilitate and*
15 *coordinate the convening of such a Congress.*

16 **(87)** *SEC. 146. Notwithstanding any other provision*
17 *of this joint resolution or of any other law, section 149 of the*
18 *Surface Transportation and Uniform Relocation Assistance*
19 *Act of 1987 (101 Stat. 181) is amended by adding after*
20 *subsection (k) the following new subsection (1).*

21 **"(1) REQUEST FOR REALLOCATION.—***If, in any fiscal*
22 *year amounts allocated to the State of Nevada under subsec-*
23 *tions (b) and (d) to carry out subsection (a)(68), (a)(105), or*
24 *(a)(106), are not sufficient to complete any project authorized*
25 *by such subsections, such State may request the Secretary to*

1 *reallocate all or any portion of such funds for another of such*
2 *projects.*

3 “(2) *GRANTING OF REQUESTS.—The Secretary shall*
4 *grant a request made under paragraph (1) if the respective*
5 *local officials having jurisdiction over the area in which the*
6 *concerned projects are located consent to such request.*

7 “(3) *ADJUSTMENT OF ALLOCATION.—If any funds al-*
8 *located for a project are reallocated to another project pursu-*
9 *ant to this subsection, the amount of funds allocated for such*
10 *projects in succeeding fiscal years shall be adjusted so that*
11 *the aggregate amount of funds allocated for each of such*
12 *projects under this section for fiscal years 1987 through 1991*
13 *is equal to the aggregate amount of funds allocated for such*
14 *projects for such fiscal years by subsections (b) and (d) of*
15 *this section.”.*

16 **(88)** *SEC. 147. Notwithstanding any other provision*
17 *of law, the Secretary shall make available \$250,000 per year*
18 *for a national public information program to educate the*
19 *public of the inherent hazard at railway-highway crossings.*
20 *Such funds shall be made available out of funds authorized*
21 *to be appropriated out of the Highway Trust Fund, pursuant*
22 *to section 130 of title 23, United States Code.*

23 **(89)** *SEC. 148. Section 149 of the Surface Transpor-*
24 *tation and Uniform Relocation Assistance Act of 1987 is*
25 *amended (1) by striking in subsection (b)(111)(H)*

1 "\$80,000" and inserting in lieu thereof "\$100,000" and (2)
2 in subsection (b)(111)(I) by striking "\$100,000" and insert-
3 ing in lieu thereof "\$80,000".

4 *SEC. 149. Section 149(a) of the Surface Transporta-*
5 *tion and Uniform Relocation Assistance Act of 1987 is*
6 *amended by striking subsections 111 (A) and (B) and insert-*
7 *ing in lieu thereof the following:*

8 " (A)(1) *MORTON COUNTY.—The Secretary is au-*
9 *thorized to carry out a project to obtain easements for*
10 *and construct an access road in Morton County FAS,*
11 *Route 3020 from 11 miles south of Sweet Briar Lake,*
12 *1½ miles south of Fish Creek Lake, then easterly 8*
13 *miles to Morton County FAS Route 3047.*

14 " (2) *MORTON COUNTY.—The Secretary is au-*
15 *thorized to carry out a project to construct an access*
16 *road in Morton County, FAS Route 3002 from 6*
17 *miles north of Crown Butte Road, then easterly 2*
18 *miles to North Dakota State Highway 1806.*

19 " (3) *MORTON COUNTY.—The Secretary is au-*
20 *thorized to carry out a project to construct an access*
21 *road in Morton County, FAS Route 3039 from Sweet*
22 *Briar Lake, north 7 miles to the Oliver county line.*

23 " (B)(1) *MERCER COUNTY.—The Secretary is*
24 *authorized to carry out a project to construct an access*
25 *road in Mercer County, FAS Route 2927 from 4*

1 *miles north of Hazen, North Dakota; north 8 miles to*
2 *Hazen Bay, Lake Sakakawea or from 4 miles north of*
3 *Hazen, North Dakota; then 3 miles north and 6 miles*
4 *east to intersection of N.D. 200 and Mercer County*
5 *Route 37; then in a southeasterly direction approxi-*
6 *mately 10 miles to the north corporate limits of the*
7 *City of Stanton, North Dakota.*

8 *“(2) MERCER COUNTY.—The Secretary is au-*
9 *thorized to carry out a project to construct an access*
10 *road in Mercer County, County FAS Route 2927*
11 *from 4 miles north of Hazen, North Dakota north 8*
12 *miles to Hazen Bay, Lake Sakakawea or from 4 miles*
13 *north of Hazen, North Dakota then 8 miles north to*
14 *the intersection of North Dakota 1806; then east to the*
15 *intersection of North Dakota 200; then south 5 miles*
16 *to Mercer County, Route 37; then in a southeasterly*
17 *direction approximately 10 miles to the north corporate*
18 *limits of the City of Stanton, North Dakota.*

19 *“(3) MERCER COUNTY.—The Secretary is au-*
20 *thorized to carry out a project to construct an access*
21 *road in Mercer County, County FAS Route 2927*
22 *from 4 miles north of Hazen, North Dakota, north 8*
23 *miles to Hazen Bay, Lake Sakakawea, or 7 miles*
24 *north of the junction with North Dakota 200 and 200*
25 *A; then east 3 miles, south 2 miles, east 2 miles, and*

1 south 3 miles to the north corporate limits of the City
2 of Stanton, North Dakota.

3 “(4) MERCER COUNTY.—The Secretary is au-
4 thorized to carry out a project to construct an access
5 road in Mercer County, County FAS Route 2927,
6 from 4 miles north of Hazen, North Dakota, north 8
7 miles to Hazen Bay, Lake Sakakawea, or Knife River
8 Indian Village Historic Site access road.”

9 SEC. 150. The Surface Transportation and Uniform
10 Relocation Assistance Act of 1987 is amended by inserting at
11 the end of section 149 a new subsection to read as follows:

12 “The State of North Dakota may elect to utilize the
13 total amount of funds authorized for such State under section
14 149 (b) and (d) in any given year for any project or projects
15 in the State of North Dakota as authorized under section
16 149. The total amount of Federal funds obligated for any
17 project under section 149 shall not exceed the total 5 year
18 authorization for such project.”

19 (90) SEC. 151. Section 21 of the Urban Mass Trans-
20 portation Act of 1964 (49 U.S.C. App. 1617) is amended—

21 (a)(1) in subsection (c)(2) by striking out “(a)(2)
22 and (b)” and inserting in lieu thereof “(a)(2), (b), and
23 (i)(2)”; and

1 (2) in subsection (i)(2) by inserting “, to remain
2 available until expended” before the period at the end
3 thereof.

4 (b) sums deducted under section 104(a) of title
5 23, United States Code, shall be available to the Sec-
6 retary for administering the provisions of section
7 21(i)(2) of the Urban Mass Transportation Act of
8 1964.

9 **(91)** SEC. 152. (a) Notwithstanding any other provi-
10 sion of law, the Secretary of Transportation shall provide
11 such funds out of the emergency relief fund authorized under
12 section 125 of title 23, United States Code, as may be neces-
13 sary to pay the expenses incurred in the reconstruction or
14 repair of the bridge over Schoharie Creek in the State of New
15 York that is on Interstate Route 90, including any expenses
16 incurred in conducting the investigation of the cause of the
17 collapse of the bridge and the expenses incurred in detouring
18 traffic around the site of the bridge until the reconstruction or
19 repair is completed.

20 (b) No payment of an expense may be made by reason
21 of subsection (a) if such expense is paid or reimbursed—

22 (1) under any Federal program other than section
23 125 of title 23, United States Code, or

24 (2) under any insurance policy covering the
25 bridges described in subsection (a).

1 (c) *The provisions of section 125 of title 23, United*
2 *States Code, and any regulations prescribed under such sec-*
3 *tion, regarding the expenditure of funds provided under such*
4 *section shall apply to any funds provided by reason of subsec-*
5 *tion (a) to the extent such provisions and regulations are con-*
6 *sistent with the provisions and purposes of this joint resolu-*
7 *tion.*

8 **(92)** *SEC. 153. Section 165 of the Federal-Aid High-*
9 *way Act of 1987 (Public Law 100-17) relating to a cost*
10 *effectiveness study of upgrading of Route 219) is amended as*
11 *follows:*

12 (1) *Subparagraph (B) of subsection (a)(1) is*
13 *amended to read as follows:*

14 “(B) *between Springville, New York, and its*
15 *intersection with the New York-Pennsylvania*
16 *State line;”.*

17 (2) *Subsection (b) is amended by striking “1*
18 *year” and inserting “18 months”.*

19 **(93)** *SEC. 154. Paragraph (72) of section 149(a) of*
20 *the Surface Transportation and Uniform Relocation Assist-*
21 *ance Act of 1987 (101 Stat. 192) is amended to read as*
22 *follows:*

23 “(72) *DOUGLAS COUNTY, KANSAS.—The Secretary*
24 *shall carry out a highway project in Douglas County,*
25 *Kansas, to demonstrate methods of reducing traffic conges-*

1 *tion and facilitating the usage by motorists on the Interstate*
2 *System of recreational facilities by construction of a limited*
3 *access road of approximately 14 miles in length which, at its*
4 *western terminus, will provide access from an east-west*
5 *Interstate highway route to a reservoir and a University re-*
6 *search park, will proceed easterly around the southern por-*
7 *tion of the City of Lawrence and, at its eastern terminus,*
8 *will provide access to a business park and a limited access*
9 *east-west State highway.”*

10 **(94)** *SEC. 155. Effective on and after the date of the*
11 *enactment of this Act, the provisions of section 503 of the*
12 *Aviation Safety and Noise Abatement Act of 1979 shall not*
13 *be applicable in connection with the providing of service from*
14 *Love Field, Texas, to Wichita, Kansas.*

15 **(95)** *SEC. 156. (a) The Secretary of Labor is author-*
16 *ized to make available from funding provided by this joint*
17 *resolution and authorized by title IV, part B of the Job*
18 *Training Partnership Act such funds as are necessary to*
19 *match a Federal Aviation Administration grant to the city of*
20 *San Marcos, Texas, for the functional replacement of build-*
21 *ings and other facilities at the Gary Job Corps Center, San*
22 *Marcos, Texas: Provided, That funding made available by*
23 *this joint resolution for this purpose shall not exceed*
24 *\$372,000. Such funds are necessary to facilitate the transfer*
25 *of 37 acres, more or less, at the Gary Job Corps Center to the*

1 *city of San Marcos, pursuant to section 516 of the Airport*
2 *and Airway Improvement Act of 1982, as amended (by pend-*
3 *ing legislation: H.R. 2310/S. 1184, awaiting conference),*
4 *for development of the San Marcos Municipal Airport.*

5 *(b) Notwithstanding any other provision of law, the*
6 *Secretary of Transportation is authorized, pursuant to sec-*
7 *tion 505(a) of the Airport and Airway Improvement Act of*
8 *1982, as amended (by pending legislation), to issue a grant*
9 *to the city of San Marcos, Texas, for the functional replace-*
10 *ment of buildings and other improvements at the Gary Job*
11 *Corps Center, San Marcos, Texas; such functional replace-*
12 *ment shall be considered as airport development as defined in*
13 *section 503(a)(2) of said Act; further, costs for such function-*
14 *al replacement shall be allowable costs, notwithstanding any*
15 *provision of section 513(c) of said Act; funds authorized in*
16 *subsection (a) of this section may be used to provide the*
17 *needed matching share of the cost of such functional reloca-*
18 *tion, notwithstanding any provision of section 510 of said*
19 *Act.*

20 *(c) For the purpose of this section, no Federal funds*
21 *used for such functional replacement shall be considered as*
22 *an expense to the United States as that term is used in sec-*
23 *tion 516 of the Airport and Airway Improvement Act of*
24 *1982, as amended (by pending legislation).*

1 (d) *The 37 acres referenced in subsection (a) of this*
2 *section are defined as follows: a tract of land being that part*
3 *of the Job Corps site located south of and adjacent to the*
4 *aircraft apron of the San Marcos Airport, Caldwell County,*
5 *Texas. This tract is more particularly described in the follow-*
6 *ing paragraphs:*

7 *beginning at that northwest corner of the Job*
8 *Corps site which is located near the south edge of the*
9 *aircraft apron, and is approximately 100 feet north-*
10 *easterly of the old control tower;*

11 *thence east along the north boundary of the Job*
12 *Corps site an approximate distance of 1850 feet to a*
13 *point in the aircraft apron;*

14 *thence northeasterly along a line perpendicular to*
15 *the center line of runway 12-30 an approximate dis-*
16 *tance of 150 feet to a point which is approximately*
17 *750 feet from the said center line;*

18 *thence southeasterly along a line in the aircraft*
19 *apron and parallel to the said center line an approxi-*
20 *mate distance of 1500 feet to a point near the southeast*
21 *edge of the said apron;*

22 *thence southwest along a line perpendicular to the*
23 *said center line an approximate distance of 400 feet to*
24 *a point;*

1 *thence northwest along a line parallel to the said*
2 *centerline an approximate distance of 150 feet to a*
3 *point which is on an extension of a line northeasterly*
4 *along 10th Street;*

5 *thence southwest along the said extension an ap-*
6 *proximate distance of 200 feet to a point;*

7 *thence northwest along a line parallel to the south-*
8 *west side of the large solitary hangar between 9th*
9 *Street and 10th Street and passing along the southwest*
10 *side of this hangar an approximate distance of 700 feet*
11 *to a point which is on an extension of a line northeast-*
12 *erly along 9th Street;*

13 *thence southwest along the extension of the line*
14 *along 9th Street an approximate distance of 250 feet to*
15 *a point on the southwest line of Kane Avenue East;*

16 *thence northwest along the southwest line of Kane*
17 *Avenue East an approximate distance of 650 feet to an*
18 *angle point in Kane Avenue;*

19 *thence west along the south line of Kane Avenue*
20 *an approximate distance of 2800 feet to a point on the*
21 *northwest boundary of the Job Corps site, which is on*
22 *the northwest side of Kane Avenue West;*

23 *thence northeast along the said northwest bounda-*
24 *ry an approximate distance of 50 feet to a point on the*
25 *north boundary of the Job Corps site;*

1 *thence east along the north boundary of the Job*
2 *Corps site, which is along the north side of Kane*
3 *Avenue, an approximate distance of 1250 feet to an*
4 *angle point in the boundary;*

5 *thence north along the boundary an approximate*
6 *distance of 150 feet to an angle point in the boundary;*

7 *thence east along the boundary an approximate*
8 *distance of 250 feet to an angle point in the boundary;*

9 *and*

10 *thence north along the boundary an approximate*
11 *distance of 300 feet to the point of beginning.*

12 **(96)** *SEC. 157. (a) Paragraph (2) of section 118(b) of*
13 *title 23, United States Code, is amended—*

14 *(1) by striking out “and” at the end of subclause*
15 *(I) of subparagraph (B)(i),*

16 *(2) by striking out the period at the end of sub-*
17 *clause (II) of subparagraph (B)(i) and inserting in*
18 *lieu thereof “; and”,*

19 *(3) by adding at the end of clause (i) of subpara-*
20 *graph (B) the following new subclause:*

21 *“(III) projects which extend and improve*
22 *high occupancy vehicle lanes of highways on the*
23 *Interstate System in Fairfax County, Prince*
24 *William County, or Arlington County, Virgin-*
25 *ia.”, and*

1 (4) by adding at the end thereof the following new
2 subparagraph:

3 “(G) EXCLUSION FROM ICE.—The projects
4 described in subparagraph (B)(i)(III) shall not be
5 taken into account in making the estimate of the
6 costs of completing the Interstate System in Vir-
7 ginia under section 104(b)(5)(A).”

8 (b)(1) Paragraph (1) of section 147(a) of the Surface
9 Transportation and Uniform Relocation Assistance Act of
10 1987 (101 Stat. 180) is amended by striking out “4” each
11 place it appears and inserting in lieu thereof “3”.

12 (2) The amendments made by paragraph (1) shall apply
13 during the 2-year period beginning on the date that is 90
14 days after the date of enactment of this joint resolution.

15 (97) SEC. 158. (a) The General Accounting Office
16 shall, within 60 days after the date of enactment of this sec-
17 tion, submit an estimate of the fair market value of the main
18 post office in Denver, Colorado, located at 1823 Stout Street
19 to the General Services Administration, the Congress of the
20 United States, the United States Postal Service, and the Ad-
21 ministrative Office of the United States Courts.

22 (b) Within 30 days after obtaining the estimate made
23 pursuant to subsection (a) the United States Postal Service
24 shall transfer the use and benefit of the lot on which the main
25 post office in Denver is located along with such post office

1 *building, improvements and any other structures on such lot*
2 *to the General Service Administration, and from such date*
3 *such lot and structures shall be considered to be held for the*
4 *use and benefit of the United States courts for the Tenth*
5 *Circuit.*

6 (c) *In making the transfer pursuant to subsection (b),*
7 *the General Services Administration and the United States*
8 *Postal Service shall use, as the market value of such proper-*
9 *ty, the estimate submitted by the General Accounting Office*
10 *pursuant to this section and the United States Postal Service*
11 *shall receive as compensation therefore, the fair market value*
12 *of such lot, buildings and improvements, as determined by*
13 *the General Accounting Office.*

14 (d) *The United States Postal Service shall surrender*
15 *possession of the second, third and fourth floors of such post*
16 *office building to the General Services Administration not*
17 *later than 1 year after the date of the transfer thereof as*
18 *provided in this section and, except as provided in subsection*
19 *(e), shall surrender possession of the balance of such post*
20 *office building not later than 2 years after such date.*

21 (e) *The General Services Administration shall permit*
22 *the United States Postal Service to continue to occupy such*
23 *area on the first floor of such main post office building not in*
24 *excess of 18,000 square feet as shall be determined by the*
25 *General Services Administration after consultation with the*

1 *Administrative Office of the United States Courts and the*
2 *United States Postal Service.*

3 (f) *Pursuant to section 210(f) of the Federal Property*
4 *and Administrative Service Act of 1949, the Administrator*
5 *of General Services is authorized to charge the United States*
6 *Postal Service for all space and services furnished to the*
7 *United States Postal Service in such main post office build-*
8 *ing after the date of the conveyance provided in this section.*

9 (g) *Notwithstanding any other provision of law, the*
10 *Government Services Administration is hereby authorized to*
11 *sell, at competitive bid, block 111, located at 20th and Curtis*
12 *Streets in Denver, Colorado, and to deposit such sale pro-*
13 *ceeds into the Federal Building Fund.*

14 (h) *There are authorized to be appropriated such sums*
15 *as are necessary to cover the costs of obtaining such post*
16 *office building for the courts for the Tenth Circuit. Such*
17 *costs shall include—*

18 (1) *amounts necessary to transfer the lot, main*
19 *post office building, improvements and any other struc-*
20 *tures on such lot pursuant to subsection (b);*

21 (2) *appropriate renovations of such post office*
22 *building for the Tenth Circuit to use such building as*
23 *the principal office of such courts; and*

24 (3) *the transfer of such court from their current*
25 *building to such post office building.*

1 (i) *There are hereby appropriated, out of the Federal*
2 *Buildings Fund, such sums as may be necessary to carry out*
3 *the purposes of subsection (h).*

4 **(98)** *SEC. 159. (a) Section 7701(j) of title 26, United*
5 *States Code, is amended—*

6 “(1) *by deleting from paragraph (1)(c) the words*
7 *“the provisions of paragraph (2) and” following the*
8 *words “subject to”; and*

9 “(2) *by deleting paragraph (2) in its entirety and*
10 *substituting in lieu thereof the following language:*

11 “*NONDISCRIMINATION REQUIREMENTS.—Notwith-*
12 *standing any other provision of law, the Thrift Sav-*
13 *ings Fund is not subject to the nondiscrimination re-*
14 *quirements applicable to arrangements described in sec-*
15 *tion 401(k) or to matching contributions (as described*
16 *in section 401(m)), so long as it meets the require-*
17 *ments of this section.”.*

18 (b) *Section 8440 of title 5, United States Code, is*
19 *amended—*

20 (1) *by deleting from paragraph (a)(3) the words*
21 *“the provisions of subsection (b) and” following the*
22 *words “subject to”; and*

23 (2) *by deleting subsection (b) in its entirety and*
24 *by substituting in lieu thereof the following language:*

25 “*NONDISCRIMINATION REQUIREMENTS.—Notwith-*

1 *standing any other provision of law, the Thrift Sav-*
2 *ings Fund is not subject to the nondiscrimination re-*
3 *quirements applicable to arrangements described in sec-*
4 *tion 401(k) of title 26, United States Code, or to*
5 *matching contributions (as described in section 401(m)*
6 *of title 26, United States Code), so long as it meets the*
7 *requirements of this section.”.*

8 **(99) SEC. 160. TEMPORARY AUTHORITY TO TRANS-**
9 **FER LEAVE.**—*In order to ensure that the experimental use*
10 *of voluntary leave transfers established under Public Laws*
11 *99-500 and 99-591 may continue and may cover additional*
12 *employees in fiscal year 1988, the Office of Personnel Man-*
13 *agement shall establish by regulation, notwithstanding chap-*
14 *ter 63 of title 5, United States Code, a program under which*
15 *the unused accrued annual leave of officers or employees of*
16 *the Federal Government may be transferred for use by other*
17 *officers or employees who need such leave due to a personal*
18 *emergency as defined in the regulations. The Veterans' Ad-*
19 *ministration shall establish a similar program for employees*
20 *subject to section 4108 of title 5, United States Code. The*
21 *programs established by this section shall expire at the end of*
22 *fiscal year 1988, but any leave that has been transferred to*
23 *an officer or employee under the programs shall remain*
24 *available for use until the personal emergency has ended, and*
25 *any remaining unused transferred leave shall, to the extent*

1 *administratively feasible, be restored to the leave accounts of*
2 *the officers or employees from whose accounts it was original-*
3 *ly transferred.*

4 **(100)** *SEC. 161. The Director of the Office of Man-*
5 *agement and Budget shall include in the area designated as*
6 *the St. Louis Metropolitan Statistical Area, the City of Sul-*
7 *livan, Missouri.*

8 **(101)** *SEC. 162. The Administrator of General Serv-*
9 *ices is hereby directed to submit a prospectus to the Congress*
10 *within 60 days to enable the Administrator to contract for*
11 *construction of two buildings not to exceed a total of*
12 *1,600,000 gross square feet of office space, plus additional*
13 *parking and retail space, in New York City on sites to be*
14 *acquired from the city of New York. The contracts shall pro-*
15 *vide, by lease or installment payments over a period not to*
16 *exceed 30 years, from funds available for the rental of space*
17 *in the Federal Building Fund for the payment of the pur-*
18 *chase price, and reasonable interest thereon. The contracts*
19 *shall further provide that title to the buildings shall vest in*
20 *the United States at or before expiration of the contract term*
21 *upon fulfillment of the terms and conditions of the contracts.*
22 *If a lease-purchase prospectus for a building described in this*
23 *paragraph is approved under the Public Buildings Act of*
24 *1959, the Administrator of the General Services Administra-*
25 *tion may enter into a transaction for the lease-purchase of*

1 *such building in accordance with the terms specified in such*
2 *approved prospectus and applicable provisions of law and*
3 *may make annual lease or installment payments from the*
4 *funds available for the rental of space in such Fund. The*
5 *General Services Administration shall lease up to 400,000*
6 *square feet of office space and associated parking to the city*
7 *of New York at rates that reflect an appropriate portion of the*
8 *construction and related costs of the projects, adjusted for the*
9 *value of the land acquired from the city. In addition, income*
10 *accrued by the General Services Administration from the*
11 *outlease of office space to the city as well as retail and related*
12 *space to private organizations shall be used to offset GSA's*
13 *installment payments for the cost of the facilities. Obligations*
14 *of funds under these transactions shall be limited to the cur-*
15 *rent fiscal year for which payments are due without regard to*
16 *31 U.S.C. 1341(a)(1)(B).*

17 **(102)** *SEC. 163. Subsection 8902 of title 5, United*
18 *States Code, is amended—*

19 *(1) by inserting in subsection (k)(1), after "as ap-*
20 *plicable," the following: "or by a qualified clinical*
21 *social worker as defined in section 8901(11),";*

22 *(2) by inserting in subsection (k)(1), after "such*
23 *a clinical psychologist" the following: ", qualified clin-*
24 *ical social worker";*

1 (3) by striking out all of subsection (k)(2) and by
2 redesignating subsection (k)(3) as subsection (k)(2);
3 and
4 (4) by striking out the last sentence in subsection
5 (m)(2)(A).

7 **(103)** SEC. 164. (a) Section 5 of Public Law 99-87,
8 relating to the use of official mail in the location of missing
9 children, is amended by striking out "two and one-half years
10 after the date of the enactment of this Act" and inserting in
11 lieu thereof "after December 31, 1992".

12 (b) Section 3(a) of Public Law 99-87 is amended by
13 striking out "Not later than two years after the date of enact-
14 ment of this Act," and inserting in lieu thereof "Not later
15 than June 31, 1992,".

16 **(104)** SEC. 165. SALE OF RESIDENCE OF TRANS-
17 FERRED FEDERAL EMPLOYEES AND TRANSPORTATION
18 EXPENSES.—

19 (a) REIMBURSEMENT OF EXPENSES OF SALE AND
20 PURCHASE OF A RESIDENCE UPON THE TRANSFER OF A
21 FEDERAL EMPLOYEE.—

22 (1) REIMBURSEMENT OF EXPENSES.—Section
23 5724a(a)(4)(A) of title 5, United States Code, is
24 amended—

1 (A) by inserting before the period at the end
2 of the first sentence the following: “; and ex-
3 penses, required to be paid by the employee, (i) of
4 the sale of the residence (or the settlement of an
5 unexpired lease) of the employee at the official
6 station from which the employee was transferred
7 when he was assigned to a post of duty located
8 outside the United States, its territories or posses-
9 sions, the Commonwealth of Puerto Rico, or areas
10 and installations in the Republic of Panama
11 made available to the United States pursuant to
12 the Panama Canal Treaty of 1977 and related
13 agreements (as described in section 3(a) of the
14 Panama Canal Act of 1979) and (ii) of the pur-
15 chase of a residence at the new official station
16 when the employee is transferred in the interest of
17 the Government from a post of duty located out-
18 side the United States, its territories or posses-
19 sions, the Commonwealth of Puerto Rico, or areas
20 and installations in the Republic of Panama
21 made available to the United States pursuant to
22 the Panama Canal Treaty of 1977 and related
23 agreements (as described in section 3(a) of the
24 Panama Canal Act of 1979), to an official station
25 (other than the official station from which he was

1 *transferred when assigned to the foreign tour of*
2 *duty) within the United States, its territories or*
3 *possessions, the Commonwealth of Puerto Rico, or*
4 *such areas and installations in the Republic of*
5 *Panama”;* and

6 (B) by adding at the end thereof the follow-
7 ing new sentence: “Reimbursement of expenses
8 prescribed under this paragraph in connection
9 with transfers from a post of duty located outside
10 the United States, its territories or possessions,
11 the Commonwealth of Puerto Rico, or the areas
12 and installations in the Republic of Panama
13 made available to the United States pursuant to
14 the Panama Canal Treaty of 1977 and related
15 agreements (as described in section 3(a) of the
16 Panama Canal Act of 1979), shall not be allowed
17 for any sale or settlement of unexpired lease or
18 purchase transaction that occurs prior to official
19 notification that the employee’s return to the
20 United States would be to an official station other
21 than the official station from which the employee
22 was transferred when assigned to the foreign post
23 of duty.”.

24 (2) *EFFECTIVE DATE.*—The amendments made
25 by paragraph (2) shall be applicable with respect to

1 *any employee transferred to or from a post of duty on*
2 *or after 60 days after the date of enactment of this*
3 *section.*

4 *(b) FUNDS FOR IMPLEMENTATION.—The amendments*
5 *made by subsection (a) shall be carried out by agencies by the*
6 *use of funds appropriated or otherwise available for the ad-*
7 *ministrative expenses of each of such respective agencies. The*
8 *amendments made by such subsections do not authorize the*
9 *appropriation of funds in amounts exceeding the sums al-*
10 *ready authorized to be appropriated for such agencies.*

11 **(105)** *SEC. 166. The Administrator of the General*
12 *Services Administration shall proceed with the site selection*
13 *and design for construction of a facility of not less than*
14 *182,000 usable square feet for the Social Security Adminis-*
15 *tration in Wilkes-Barre, Pennsylvania, pursuant to section*
16 *115 of the joint resolution entitled "A Joint Resolution*
17 *making continuing appropriations for the fiscal year 1987,*
18 *and for other purposes", approved October 30, 1986 (100*
19 *Stat. 3341-349; Public Law 99-591).*

20 **(106)** *SEC. 167. Section 1581(b) of the Food Security*
21 *Act of 1985 (Public Law 99-198) is amended by striking*
22 *out "June 30, 1987," and inserting in lieu thereof "June 30,*
23 *1988,".*

24 **(107)** *SEC. 168. (a) Notwithstanding any other provi-*
25 *sion of this joint resolution, there is appropriated an addi-*

1 tional \$227,000 for grants to States for the establishment
2 and operation of international trade development centers, at
3 the University of Kentucky as authorized by the National
4 Agricultural Research, Extension, and Teaching Policy Act
5 of 1977, as amended (7 U.S.C. 3292) and section 1472 of
6 the Food and Agriculture Act of 1977 (7 U.S.C. 3318).

7 (b) Notwithstanding any other provision of this joint
8 resolution, the amount made available for the Emergency
9 Conservation Program under title II of S. 1800 a bill
10 Making appropriations for Agriculture, Rural Development,
11 and Related Agencies programs for the fiscal year ending
12 September 30, 1988, and for other purposes, shall be
13 \$773,000.

14 (108) SEC. 169. Of the amounts made available to the
15 Soil Conservation Service under this joint resolution,
16 \$150,000 shall be made available to fund the Little Kana-
17 wha River Basin Study.

18 (109) SEC. 170. DELAY QUALITY CONTROL PENAL-
19 TY MORATORIUM FOR FOOD STAMPS.—The Secretary of
20 Agriculture shall not impose any reductions in payments to
21 States pursuant to section 16 of the Food Security Act of
22 1977 (7 U.S.C. 2025) for any calendar quarter beginning
23 before September 30, 1988.

24 (110) SEC. 171. Of the funds made available in the
25 joint resolution for programs authorized by section 416 of the

1 *Agricultural Act of 1949, as amended, the Secretary of Agri-*
 2 *culture shall make available primarily to the Government of*
 3 *Lebanon not less than 75,000 metric tons but not more than*
 4 *150,000 metric tons of wheat. The word "primarily" shall*
 5 *mean at least half. Understanding the abnormal conditions*
 6 *in Lebanon, Congress will understand that normal standards*
 7 *of accountability may not be met.*

8 **(111) SEC. 172. SHORT TITLE; TABLE OF CONTENTS.**

9 **(a) SHORT TITLE.**—*This Act may be cited as the*
 10 *"Agricultural Aid and Trade Missions Act".*

11 **(b) TABLE OF CONTENTS.**—*The table of contents for*
 12 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

Sec. 101. Definitions.

Sec. 102. Agricultural aid and trade missions.

Sec. 103. Eligible countries.

Sec. 104. Functions.

Sec. 105. Mission reports.

Sec. 106. Progress reports.

Sec. 107. Use of Commodity Credit Corporation.

TITLE II—AMENDMENTS TO PUBLIC LAW 480

Sec. 201. Level of sales for foreign currency.

Sec. 202. Terms and conditions of agreements with friendly countries and organi-
zations.

Sec. 203. Criteria of self-help measures.

Sec. 204. Use of cooperatives to furnish commodities.

Sec. 205. Limitation on use of foreign currencies.

Sec. 206. Reports on sales and barter and use of foreign currency proceeds.

Sec. 207. Use of foreign currency proceeds.

Sec. 208. Periods for review and comment.

TITLE III—AMENDMENTS TO SECTION 416

Sec. 301. Eligible commodities.

- Sec. 302. Availability of commodities.*
- Sec. 303. Multiyear agreements.*
- Sec. 304. Foreign currency use and allocation requirements.*
- Sec. 305. Periods for review and comment.*

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Contract authority for individuals abroad.*
- Sec. 402. Multiyear agreements under the food for progress program.*
- Sec. 403. Report on intermediate export credit.*

1 **SEC. 173. FINDINGS.**

2 *Congress finds that—*

3 *(1) United States agricultural exports declined by*
4 *more than 37 percent since 1981, from \$43.8 billion*
5 *per year to \$27.5 billion per year;*

6 *(2) the United States' market share of agricultur-*
7 *al commodities and products has dropped worldwide by*
8 *28 percent during the last 5 years;*

9 *(3) for the first time in 15 years, the United*
10 *States incurred monthly agricultural trade deficits in*
11 *1986;*

12 *(4) the loss of \$1 billion in United States agricul-*
13 *tural exports causes the loss of 35,000 agricultural jobs*
14 *and the loss of 60,000 nonagricultural jobs;*

15 *(5) the loss of agricultural exports threatens*
16 *family farms, and the economic well-being of rural*
17 *America;*

18 *(6) in order to reverse the decline of agricultural*
19 *exports and improve prices for the farmers and ranch-*
20 *ers of the United States, it is necessary that all agri-*
21 *cultural export programs of the United States be used*

1 *in an expeditious manner, including such programs es-*
2 *tablished under the Agricultural Trade Development*
3 *and Assistance Act of 1954 (7 U.S.C. 1691 et seq.),*
4 *the Commodity Credit Corporation Charter Act (15*
5 *U.S.C. 714 et seq.), and section 416 of the Agricultur-*
6 *al Act of 1949 (7 U.S.C. 1431);*

7 *(7) greater use should be made by the Secretary*
8 *of Agriculture of the authority established under sec-*
9 *tion 4(b) of the Food for Peace Act of 1966 (7 U.S.C.*
10 *1707a et seq.) to provide intermediate credit financing*
11 *for the establishment of facilities in importing*
12 *countries—*

13 *(A) to improve the handling, marketing,*
14 *processing, storage, and distribution of imported*
15 *agricultural commodities and products; and*

16 *(B) to increase livestock production in order*
17 *to enhance the demand for United States feed*
18 *grains;*

19 *(8) food aid and export assistance programs can*
20 *stimulate economic activity in developing countries*
21 *and, as incomes improve, diets improve and the*
22 *demand for and ability to purchase food increases;*

23 *(9) private voluntary organizations and coopera-*
24 *tives are important and successful partners in our food*
25 *aid and development programs;*

1 (10) *in addition to meeting humanitarian needs,*
2 *food aid used in sales and barter programs by private*
3 *voluntary organizations and cooperatives can—*

4 (A) *provide communities with health care,*
5 *credit systems, and tools for development; and*

6 (B) *establish the infrastructure that is essen-*
7 *tial to the expansion of markets for United States*
8 *agricultural commodities and products; and*

9 (11) *greater support by the United States govern-*
10 *ment for the development activities of private voluntary*
11 *organizations and cooperatives is in the interest of the*
12 *United States and our farmers and ranchers.*

13 ***TITLE I—AGRICULTURAL AID AND***
14 ***TRADE MISSIONS***

15 ***SEC. 101. DEFINITIONS.***

16 *As used in this title:*

17 (1) ***ADMINISTRATOR.***—*The term “Administrator”*
18 *means the Administrator of the Agency for Internation-*
19 *al Development.*

20 (2) ***ELIGIBLE COUNTRY.***—*The term “eligible*
21 *country” means a country that is eligible under section*
22 *103(a).*

23 (3) ***MISSION.***—*The term “mission” means an ag-*
24 *ricultural aid and trade mission established under sec-*
25 *tion 102.*

1 (4) *UNITED STATES AGRICULTURAL AID AND*
2 *TRADE PROGRAMS.—The term “United States agri-*
3 *cultural aid and trade programs” includes—*

4 (A) *programs established under titles I and*
5 *II of the Agricultural Trade Development and As-*
6 *sistance Act of 1954 (7 U.S.C. 1701 et seq.);*

7 (B) *the program established under section*
8 *416 of the Agricultural Act of 1949 (7 U.S.C.*
9 *1431);*

10 (C) *the agricultural export enhancement pro-*
11 *gram established under section 1127 of the Food*
12 *Security Act of 1985 (7 U.S.C. 1736v);*

13 (D) *the dairy export incentive program es-*
14 *tablished under section 153 of the Food Security*
15 *Act of 1985 (15 U.S.C. 713a-14);*

16 (E) *the export credit guarantee program*
17 *(GSM-102) established under section 5(f) of the*
18 *Commodity Credit Corporation Charter Act (15*
19 *U.S.C. 714c(f));*

20 (F) *the intermediate export credit guarantee*
21 *program (GSM-103) established under section*
22 *4(b) of the Food for Peace Act of 1966 (7 U.S.C.*
23 *1707a(b));*

1 (G) the food for progress program established
2 under section 1110 of the Food Security Act of
3 1985 (7 U.S.C. 1736o); and

4 (H) other agricultural aid and trade pro-
5 grams authorized by the Food Security Act of
6 1985 (Public Law 99-198), by the Commodity
7 Credit Corporation Charter Act (15 U.S.C. 714
8 et seq.), or by other applicable authorities.

9 **SEC. 102. AGRICULTURAL AID AND TRADE MISSIONS.**

10 (a) *ESTABLISHMENT.*—Not later than 60 days after
11 the date of enactment of this Act, under the direction of the
12 Secretary of Agriculture, the Secretary of Agriculture, the
13 Secretary of State, the Administrator, and the President of
14 the Overseas Private Investment Corporation shall establish
15 agricultural aid and trade missions to eligible countries to
16 encourage the countries to participate in those United States
17 agricultural aid and trade programs for which they are eligi-
18 ble in accordance with section 104.

19 (b) *COMPOSITION.*—A mission established in an eligi-
20 ble country shall be composed, under the direction of the Sec-
21 retary of Agriculture, of—

22 (1) representatives of the Department of Agricul-
23 ture, the Department of State, the Agency for Interna-
24 tional Development, and the Overseas Private Invest-
25 ment Corporation, appointed by the Secretary of Agri-

1 *culture, Secretary of State, Administrator, and Presi-*
2 *dent of the Corporation, respectively; and*

3 (2) *not less than 3, nor more than 6, representa-*
4 *tives of market development cooperators, private volun-*
5 *tary organizations, and cooperatives, appointed jointly*
6 *by the Secretary of Agriculture, Secretary of State,*
7 *Administrator, and President of the Corporation,*
8 *who are knowledgeable about food aid and agriculture export*
9 *programs, as well as the food needs, trade potential, and*
10 *economy of the eligible country.*

11 (c) *TERMS.—The term of a member of a mission shall*
12 *terminate on submission of the report of the mission required*
13 *under section 105.*

14 (d) *COMPENSATION AND TRAVEL EXPENSES.—A*
15 *member of a mission shall serve without compensation, if not*
16 *otherwise an officer or employee of the United States, except*
17 *that a member shall, while away from the home or regular*
18 *place of business of the member in the performance of service*
19 *under this title, be allowed travel expenses, including per*
20 *diem in lieu of subsistence, as authorized under section 5703*
21 *of title 5, United States Code.*

22 **SEC. 103. ELIGIBLE COUNTRIES.**

23 (a) *CRITERIA.—*

24 (1) *INDIVIDUAL COUNTRIES.—Subject to para-*
25 *graph (2) and subsection (b), a mission shall be estab-*

1 *lished to a foreign country selected by the Secretary of*
2 *Agriculture if—*

3 *(A) the country is eligible for participation*
4 *in United States agricultural aid and trade pro-*
5 *grams and such participation would be mutually*
6 *advantageous to the country and the United*
7 *States; and*

8 *(B) the country is friendly to the United*
9 *States.*

10 *(2) MULTIPLE COUNTRIES.—In selecting coun-*
11 *tries for missions under this section, the Secretary*
12 *shall—*

13 *(A) select countries that are in various stages*
14 *of development and have various income levels;*
15 *and*

16 *(B) consider—*

17 *(i) past participation in United States*
18 *food programs;*

19 *(ii) experience with United States agri-*
20 *cultural aid and trade programs; and*

21 *(iii) import market potential.*

22 *(b) INITIAL COUNTRIES.—A mission shall be estab-*
23 *lished and completed—*

1 (1) not later than 6 months after the date of en-
2 actment of this Act, in 8 eligible countries selected by
3 the Secretary of Agriculture; and

4 (2) not later than 1 year after the date of enact-
5 ment of this Act, in 8 additional eligible countries se-
6 lected by the Secretary of Agriculture.

7 (c) *ADDITIONAL COUNTRIES.*—Additional missions
8 may be established by the Secretary of Agriculture.

9 **SEC. 104. FUNCTIONS.**

10 *The members of a mission to an eligible country shall—*

11 (1) meet with representatives of government agen-
12 cies of the United States and the eligible country, as
13 well as commodity boards, private enterprises, interna-
14 tional organizations, private voluntary organizations,
15 and cooperatives that operate in the eligible country, to
16 assist in planning the extent to which United States
17 agricultural aid and trade programs could be used in a
18 mutually beneficial manner to meet the food and eco-
19 nomic needs of the country;

20 (2) provide technical expertise and information to
21 representatives of government agencies of the United
22 States and the eligible country and private organiza-
23 tions with respect to United States agricultural aid
24 and trade programs and agricultural commodities and

1 *other assistance available to the eligible country under*
2 *such programs; and*

3 *(3) assist in obtaining firm commitments for—*

4 *(A) proposals for food aid programs; and*

5 *(B) agreements for commodity sales.*

6 **SEC. 105. MISSION REPORTS.**

7 *Not later than 60 days after the completion of a mission*
8 *under section 103, the mission shall submit a report that con-*
9 *tains the findings and recommendations of the mission in*
10 *carrying out this title to—*

11 *(1) the President;*

12 *(2) the Committee on Agriculture of the House of*
13 *Representatives;*

14 *(3) the Committee on Foreign Affairs of the*
15 *House of Representatives;*

16 *(4) the Committee on Agriculture, Nutrition, and*
17 *Forestry of the Senate;*

18 *(5) the Committee on Foreign Relations of the*
19 *Senate;*

20 *(6) the Secretary of Agriculture;*

21 *(7) the Secretary of State;*

22 *(8) the Administrator; and*

23 *(9) the President of the Overseas Private Invest-*
24 *ment Corporation.*

1 **SEC. 106. PROGRESS REPORTS.**

2 *During the 2-year period beginning 1 year after the date*
3 *of enactment of this Act, the Secretary of Agriculture and the*
4 *Administrator shall jointly submit a quarterly report on*
5 *progress made in implementing the recommendations of the*
6 *missions reported under section 105, including the quantity*
7 *and dollar value of commodities shipped to eligible countries*
8 *and the specific development programs undertaken in accord-*
9 *ance with this title, to—*

10 *(1) the Committee on Agriculture of the House of*
11 *Representatives;*

12 *(2) the Committee on Foreign Affairs of the*
13 *House of Representatives;*

14 *(3) the Committee on Agriculture, Nutrition, and*
15 *Forestry of the Senate; and*

16 *(4) the Committee on Foreign Relations of the*
17 *Senate.*

18 **SEC. 107. USE OF COMMODITY CREDIT CORPORATION.**

19 *Within the funds made available to the Commodity*
20 *Credit Corporation, the Secretary of Agriculture shall use*
21 *the facilities, services, authorities, and funds of the Commod-*
22 *ity Credit Corporation to carry out this title during a fiscal*
23 *year.*

1 **TITLE II—AMENDMENTS TO**
2 **PUBLIC LAW 480**

3 **SEC. 201. LEVEL OF SALES FOR FOREIGN CURRENCY.**

4 *Section 101(b) of the Agricultural Trade Development*
5 *and Assistance Act of 1954 (7 U.S.C. 1701(b)) is*
6 *amended—*

7 (1) *in paragraph (1), by adding at the end thereof*
8 *the following new sentence: "For each of the fiscal*
9 *years 1988 through 1990, each agreement entered into*
10 *under this title shall provide for some sale for foreign*
11 *currencies for use under section 108, except for agree-*
12 *ments with a country the President determines is in-*
13 *capable of participating in section 108.";* and

14 (2) *in paragraph (2), by inserting ", or enter into*
15 *sales agreements not providing for sales for foreign cur-*
16 *rencies for use under section 108," after "currencies".*

17 **SEC. 202. TERMS AND CONDITIONS OF AGREEMENTS WITH**
18 **FRIENDLY COUNTRIES AND ORGANIZATIONS.**

19 *Section 103 of the Agricultural Trade Development and*
20 *Assistance Act of 1954 (7 U.S.C. 1703) is amended—*

21 (1) *by striking out "and" at the end of subsection*
22 *(p);*

23 (2) *by striking out the period at the end of subsec-*
24 *tion (q) and inserting in lieu thereof "; and"; and*

1 (3) by adding at the end thereof the following new
2 subsection:

3 “(r) give favorable consideration in the allocation of
4 commodities under this title to countries promoting the pri-
5 vate sector through the use of section 108.”.

6 **SEC. 203. CRITERIA OF SELF-HELP MEASURES.**

7 The first sentence of section 109(a) of the Agricultural
8 Trade Development and Assistance Act of 1954 (7 U.S.C.
9 1709(a)) is amended—

10 (1) by striking out “and” at the end of paragraph
11 (10);

12 (2) by striking out the period at the end of para-
13 graph (11) and inserting in lieu thereof “; and”; and

14 (3) by adding at the end thereof the following new
15 paragraph:

16 “(12) promoting the conservation and study of bi-
17 ological diversity.”.

18 **SEC. 204. USE OF COOPERATIVES TO FURNISH COMMODITIES.**

19 The third sentence of section 202(a) of the Agricultural
20 Trade Development and Assistance Act of 1954 (7 U.S.C.
21 1722(a)) is amended by inserting “or cooperatives” after
22 “voluntary agencies”.

23 **SEC. 205. LIMITATION ON USE OF FOREIGN CURRENCIES.**

24 Section 206 of the Agricultural Trade Development and
25 Assistance Act of 1954 (7 U.S.C. 1726) is amended by in-

1 *serting after "extraordinary relief requirements," the follow-*
2 *ing: "or for nonemergency programs conducted by nonprofit*
3 *voluntary agencies or cooperatives,".*

4 **SEC. 206. REPORTS ON SALES AND BARTER AND USE OF**
5 **FOREIGN CURRENCY PROCEEDS.**

6 *Section 206 of the Agricultural Trade Development and*
7 *Assistance Act of 1954 (7 U.S.C. 1726) (as amended by*
8 *section 205 of this Act) is further amended—*

9 *(1) by inserting "(a)" after the section designa-*
10 *tion; and*

11 *(2) by adding at the end thereof the following new*
12 *subsection:*

13 *"(b) Not later than February 15, 1988, and annually*
14 *thereafter, the President shall report to the Congress on sales*
15 *and barter, and use of foreign currency proceeds, under this*
16 *section and section 207 during the preceding fiscal year.*
17 *Such report shall include information on—*

18 *"(1) the quantity of commodities furnished for*
19 *such sale or barter;*

20 *"(2) the amount of funds (including dollar*
21 *equivalents for foreign currencies) and value of services*
22 *generated from such sales and barter in such fiscal*
23 *year;*

24 *"(3) how such funds and services were used;*

1 “(4) the amount of foreign currency proceeds that
2 were used under agreements under this section and sec-
3 tion 207 in such fiscal year, and the percentage of the
4 quantity of all commodities and products furnished
5 under this section and section 207 in such fiscal year
6 such use represented;

7 “(5) the President's best estimate of the amount of
8 foreign currency proceeds that will be used, under
9 agreements under this section and section 207, in the
10 then current fiscal year and the next following fiscal
11 year (if all requests for such use are agreed to), and
12 the percentage that such estimated use represents of the
13 quantity of all commodities and products that the
14 President estimates will be furnished under this section
15 and section 207 in each such fiscal year;

16 “(6) the effectiveness of such sales, barter, and
17 use during such fiscal year in facilitating the distribu-
18 tion of commodities and products under this section
19 and section 207;

20 “(7) the extent to which such sales, barter, or
21 uses—

22 “(A) displace or interfere with commercial
23 sales of United States agricultural commodities
24 and products that otherwise would be made;

1 “(B) affect usual marketings of the United
2 States;

3 “(C) disrupt world prices of agricultural
4 commodities or normal patterns of trade with
5 friendly countries; or

6 “(D) discourage local production and mar-
7 keting of agricultural commodities in the countries
8 in which commodities and products are distributed
9 under this subsection; and

10 “(8) the President’s recommendations, if any, for
11 changes to improve the conduct of sales, barter, or use
12 activities under this section and section 207.”.

13 **SEC. 207. USE OF FOREIGN CURRENCY PROCEEDS.**

14 Section 207 of the Agricultural Trade Development and
15 Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

16 (1) in subsection (a), by inserting “or coopera-
17 tive” after “agency”;

18 (2) in subsection (b), by striking out “5 percent”
19 and inserting in lieu thereof “10 percent”; and

20 (3) by adding at the end thereof the following new
21 subsection:

22 “(c) Foreign currencies generated from any partial or
23 full sales or barter of commodities by a nonprofit voluntary
24 agency or cooperative shall be used—

1 “(1) to transport, distribute, and otherwise en-
2 hance the effectiveness of the use of commodities and
3 products donated under this title; and

4 “(2) to implement income generating, community
5 development, health, nutrition, cooperative develop-
6 ment, agricultural programs, and other developmental
7 activities.”.

8 **SEC. 208. PERIODS FOR REVIEW AND COMMENT.**

9 *Title II of the Agricultural Trade Development and As-*
10 *sistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by*
11 *adding at the end thereof the following new section:*

12 “Sec. 208. (a) Not later than 45 days after submission
13 to the Agency for International Development office in Wash-
14 ington, D.C., the President shall take final action on a pro-
15 posal submitted by a nonprofit voluntary agency or coopera-
16 tive, with the concurrence of the field mission, for the delivery
17 of commodities requested.

18 “(b) Not later than 30 days prior to the issuance of a
19 final guideline issued to carry out this title, the President
20 shall—

21 “(1) provide notice of the proposed guideline to
22 nonprofit voluntary agencies and cooperatives that par-
23 ticipate in programs under this title, and other interest-
24 ed persons, that the proposed guideline is available for
25 review and comment;

1 “(2) make the proposed guideline available, on re-
2 quest, to any nonprofit voluntary agency, cooperative,
3 and person; and

4 “(3) take any comments received into consider-
5 ation before the issuance of the final guideline.

6 “(c) Not later than 15 days after receipt of a call for-
7 ward from a field mission for commodities or products that
8 meets the requirements of this title, the order for the purchase
9 or the supply, from inventory, of such commodities or
10 products shall be transmitted to the Commodity Credit
11 Corporation.”.

12 **TITLE III—AMENDMENTS TO**
13 **SECTION 416**

14 **SEC. 301. ELIGIBLE COMMODITIES.**

15 Section 416(b)(2)(A) of the Agricultural Act of 1949 (7
16 U.S.C. 1431(b)(2)(A)) is amended—

17 (1) by striking out “grains,” and inserting in lieu
18 thereof “wheat, rice, feed grains,”; and

19 (2) by inserting “, and the products thereof,” after
20 “price support operations”.

21 **SEC. 302. AVAILABILITY OF COMMODITIES.**

22 Section 416(b)(3) of the Agricultural Act of 1949 (7
23 U.S.C. 1431(b)(3)) is amended by adding at the end thereof
24 the following new subparagraph:

1 “(D) If eligible commodities are made available under
2 this section to a friendly country, nonprofit and voluntary
3 agencies and cooperatives shall also be eligible to receive com-
4 modities for food aid programs in the country.”

5 **SEC. 303. MULTIYEAR AGREEMENTS.**

6 Section 416(b)(4) of the Agricultural Act of 1949 (7
7 U.S.C. 1431(b)(4)) is amended by adding at the end thereof
8 the following new sentence: “In agreements with recipients of
9 eligible commodities under this section (including nonprofit
10 and voluntary agencies or cooperatives), the Secretary, on
11 request, shall approve multiyear agreements to make agricul-
12 tural commodities available for distribution or sale by the
13 recipients if the agreements meet the requirements of this
14 section.”

15 **SEC. 304. FOREIGN CURRENCY USE AND ALLOCATION REQUIRE-**
16 **MENTS.**

17 (a) **FOREIGN CURRENCY USES.**—Clause (ii) of sec-
18 tion 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C.
19 1431(b)(7)(D)(ii)) is amended to read as follows:

20 “(ii) Foreign currencies generated from partial or full
21 sales or barter of commodities by a nonprofit and voluntary
22 agency or cooperative shall be used—

23 “(I) to transport, distribute, and otherwise en-
24 hance the effectiveness of the use of commodities and
25 products donated under this section; and

1 “(II) to implement income generating, community
2 development, health, nutrition, cooperative development,
3 agricultural programs, and other developmental
4 activities.”.

5 **(b) ALLOCATION REQUIREMENTS.—**Section
6 416(b)(7)(D)(iii) of such Act is amended—

7 (1) by striking out “5 percent” and inserting in
8 lieu thereof “10 percent”;

9 (2) by inserting “, or the minimum tonnage re-
10 quired, whichever is greater,” after “furnished”.

11 **SEC. 305. PERIODS FOR REVIEW AND COMMENT.**

12 Section 416(b)(8) of the Agricultural Act of 1949 (7
13 U.S.C. 1431(b)(8)) is amended by adding at the end thereof
14 the following new subparagraph:

15 “(C)(i) Not later than 45 days after submission to the
16 Agency for International Development office in Washington,
17 D.C., the Secretary shall take final action on a proposal sub-
18 mitted by a nonprofit and voluntary agency or cooperative,
19 with the concurrence of the field mission, for the delivery of
20 commodities requested.

21 “(ii) Not later than 30 days prior to the issuance of a
22 final guideline issued to carry out this section, the Secretary
23 shall—

24 “(I) provide notice of the proposed guideline to
25 nonprofit and voluntary agencies and cooperatives that

1 *participate in programs under this section, and other*
2 *interested persons, that the proposed guideline is avail-*
3 *able for review and comment;*

4 *“(II) make the proposed guideline available, on*
5 *request, to any nonprofit and voluntary agency, cooper-*
6 *ative, and person; and*

7 *“(III) take any comments received into consider-*
8 *ation before the issuance of the final guideline.*

9 *“(iii) Not later than 15 days after receipt of a call for-*
10 *ward from a field mission for commodities or products that*
11 *meets the requirements of this section, the order for the pur-*
12 *chase or the supply, from inventory, of such commodities or*
13 *products shall be transmitted to the Commodity Credit*
14 *Corporation.”.*

15 **TITLE IV—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 401. CONTRACT AUTHORITY FOR INDIVIDUALS ABROAD.**

18 **(a) AUTHORITY.**—*The Secretary of Agriculture may*
19 *contract with individuals for personal services to be per-*
20 *formed outside the United States as the Secretary determines*
21 *necessary or appropriate for carrying out programs and ac-*
22 *tivities to maintain, develop, or enhance export markets for*
23 *United States agricultural commodities and the products*
24 *thereof.*

1 **(b) NONFEDERAL EMPLOYEES.**—*The individuals re-*
2 *ferred to in subsection (a) shall not be regarded as officers or*
3 *employees of the United States Government under any law,*
4 *including any law administered by the Office of Personnel*
5 *Management.*

6 **SEC. 402. MULTIYEAR AGREEMENTS UNDER THE FOOD FOR**
7 **PROGRESS PROGRAM.**

8 *Section 1110 of the Food Security Act of 1985 (7*
9 *U.S.C. 1736o) is amended—*

10 (1) *by redesignating subsection (k) as subsection*
11 *(l); and*

12 (2) *by inserting after subsection (j) the following*
13 *new subsection:*

14 “(k) *In carrying out this section, the President shall, on*
15 *request, approve multiyear agreements to make agricultural*
16 *commodities available for distribution or sale by the recipi-*
17 *ents if the agreements meet the requirements of this section.”.*

18 **SEC. 403. REPORT ON INTERMEDIATE EXPORT CREDIT.**

19 *Not later than December 31, 1987, the Secretary of Ag-*
20 *riculture shall submit a report to the Committee on Agricul-*
21 *ture of the House of Representatives and the Committee on*
22 *Agriculture, Nutrition, and Forestry of the Senate, on the*
23 *use of authority provided under section 4(b) of the Food for*
24 *Peace Act of 1966 (7 U.S.C. 1707(b)) to provide intermedi-*

1 *ate credit financing for the establishment of facilities in im-*
2 *porting countries—*

3 (1) *to improve the handling, marketing, process-*
4 *ing, storage, and distribution of imported agricultural*
5 *commodities;*

6 (2) *to increase livestock production in order to en-*
7 *hance the demand for United States feed grains; and*

8 (3) *to increase markets for United States livestock*
9 *and livestock products.*

Passed the House of Representatives December 3,
1987.

Attest: DONNARD K. ANDERSON,
Clerk.

Passed the Senate with amendments December 12
(legislative day, December 8), 1987

Attest: WALTER J. STEWART,
Secretary.