Public Law 102-266
102d Congress

Joint Resolution

Apr. 1, 1992
[H.J. Res. 456]

Making further continuing appropriations for the fiscal year 1992, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 102-145, as amended by Public Law 102-163, is further amended as follows:

105 Stat. 970.

SEC. 101. In section 106(c), strike "March 31, 1992" and insert in lieu thereof "September 30, 1992".

SEC. 102. Insert the following new sections:

"DEFINITION OF CURRENT RATE

"SEC. 114. Notwithstanding any other provision of this joint resolution, any rate for operations for any project or activity funded by this joint resolution for foreign operations, export financing, and related programs that is based on the current rate for operations shall be defined to be the amounts appropriated in fiscal year 1991.

"TECHNICAL ADJUSTMENTS

"SEC. 115. Notwithstanding any other provision of this joint resolution: the rate for operations for 'Payment to the Foreign Service Retirement and Disability Fund', 'Operating Expenses of the Agency for International Development', 'Operating Expenses of the Agency for International Development Office of Inspector General', 'Peace Corps' and 'Migration and Refugee Assistance' shall be the amount included for each in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621) as passed by the House of Representatives on June 19, 1991: *Provided,* That no funds are provided by this joint resolution for 'Contribution to the Enhanced Structural Adjustment Facility of the International Monetary Fund': *Provided further,* That for the cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, the rate for operations shall be $9,080,000, and for administrative expenses of that program the rate for operations shall be $8,250,000: *Provided further,* That for the costs as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by section 108 of the Foreign Assistance Act of 1961, the rate of operations shall be $2,668,000; and for administrative expenses to carry out such guaranteed loan program, the rate of operations shall be $1,367,000: *Provided further,* That the rate for operations for 'Administrative Expenses' of the Export-Import Bank of the United States, shall be $38,613,000, including administrative expenses incurred in connection with contracting for the issuance and servicing of insurance and reinsurance or in lieu of contracting for the performance of such services by the Export-Import Bank: *Provided further,* That

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the rate for operations for the 'Multilateral Assistance Initiative' for the Philippines shall be $100,000,000.

"ELIMINATION OF EARMARKS

"SEC. 116. Notwithstanding any other provision of this joint resolution, the following earmarks, transfers and ceilings included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), shall not be applicable to funds appropriated by this joint resolution for foreign operations, export financing, and related programs: the earmarks for the Caribbean Law Institute, and the Center for the Cultural and Technical Interchange Between North and South under the heading 'Education and Human Resources Development, Development Assistance'; the ceiling for disadvantaged private enterprise in South Africa under the heading 'Sub-Saharan Africa, Development Assistance'; the earmark under the heading 'Appropriate Technology'; ceiling and earmarks for El Salvador's Special Investigative Unit, Jordan, Morocco, El Salvador's University of Central America, and the Antarctic Protection Act under the heading 'Economic Support Fund'; the transfer under the heading 'Multilateral Assistance Initiative for the Philippines'; the earmark for Morocco under the heading 'Foreign Military Financing Program'; the earmarks in section 533 for neotropical migratory bird conservation in Latin America and the Caribbean, Project Noah, the National Science Foundation's International Biological Diversity Program, and the earmark in subsection (e) of that section; and the earmark in section 583: *Provided,* That of the funds appropriated by this joint resolution for foreign operations, export financing, and related programs for programs under the heading 'Agency for International Development', not less than $250,000,000 shall be made available for child survival activities: *Provided further,* That the authority and conditions applicable to 'Migration and Refugee Assistance' shall be only those contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621), as passed by the House on June 19, 1991.

"ELIMINATION OF SUPPLEMENTAL EARMARKS

"SEC. 117. Notwithstanding any other provision of this joint resolution, earmarks, transfers, ceilings, or any terms and conditions contained in Public Law 102-27, Public Law 102-55, or Public Law 102-229 applicable to funds appropriated for foreign operations, export financing, and related programs shall not be applicable to funds appropriated by this joint resolution for foreign operations, export financing, and related programs.

"UPDATE OF TERMS AND CONDITIONS

"SEC. 118. Notwithstanding any other provision of this joint resolution, the authority and conditions provided in sections 531 (except for subsection (f)(3)), 538, and 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) shall not be applicable to funds appropriated by this joint resolution for foreign operations, export financing, and related programs: *Provided,* That the authority and conditions provided in sections 545, 552, 560, 571, 572, 583, 585, and under the heading 'Foreign Military Sales Debt Reform', of the Foreign

22 USC 2375, 2764 note, 2796.

Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621) as passed by the House on June 19, 1991, shall be applicable to funds appropriated by this joint resolution (and are hereby enacted) in lieu of the authority and conditions provided in sections 546, 553, 562A, 573, 574, 596(d), 599B, and under the heading 'Foreign Military Sales Debt Reform', respectively, in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513): *Provided further,* That the authority and conditions applicable to funds appropriated by this joint resolution to the Export-Import Bank of the United States shall be those contained under the heading 'Export-Import Bank of the United States' of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621) as passed by the House on June 19, 1991, except for the program ceiling in the first proviso, and the fourth proviso, under the 'Subsidy Appropriation' subheading: *Provided further,* That assistance under the heading 'International Military Education and Training' may be made available for Malaysia: *Provided further,* That when applying section 512 and section 545 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) to funds appropriated by this joint resolution, the countries of Angola and Cambodia shall be construed to not be on the list of countries included in these sections: *Provided further,* That for purposes of satisfying the requirements of section 484 of the Foreign Assistance Act of 1961, funds appropriated by this joint resolution for the 'Foreign Military Financing Program' may be used to finance the leasing of aircraft under chapter 6 of the Arms Export Control Act in accordance with the provisions of section 3(g) of the International Narcotics Control Act of 1990 (Public Law 101-623): *Provided further,* That, notwithstanding any other provision of this joint resolution, section 812 of the International Security and Development Cooperation Act of 1985, is repealed: *Provided further,* That notwithstanding any other provision of this joint resolution, the period of availability of funds appropriated for foreign operations, export financing, and related programs shall be, for each appropriation item, the period of availability included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621) as passed by the House on June 19, 1991, except that for Development Assistance and for the Peace Corps funds shall remain available until September 30, 1993.

99 Stat. 264.
Termination date.

"UPDATE OF IFI PROVISIONS

"SEC. 119. Notwithstanding any other provision of this joint resolution, the authority and conditions applicable to funds appropriated by this joint resolution for foreign operations, export financing, and related programs under the headings 'Contribution to the International Development Association', 'Contribution to the International Finance Corporation', 'Contribution to the Asian Development Bank', and 'Contribution to the Asian Development Fund' shall be those included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992 (H.R. 2621) as passed by the House on June 19, 1991.

"UPDATE OF IOP PROVISIONS

"SEC. 120. Notwithstanding any other provision of this joint resolution, the following earmarks shall be applicable to funds appropriated by this joint resolution for foreign operations, export financing, and related programs for 'International Organizations and Programs' in lieu of the earmarks for the same programs, funds or agencies included under that heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513): $85,000,000 for the United Nations Children's Fund, $27,500,000 for the International Atomic Energy Agency, $18,193,000 for the United Nations Environment Program, $2,000,000 for the United Nations Afghanistan Emergency Trust Fund, and $18,362,000 for the International Fund for Agricultural Development.

"ASSISTANCE TO FORMER SOVIET UNION

"(INCLUDING TRANSFER OF FUNDS)

"SEC. 121. In order to avoid the prospect that instability or resurgent totalitarianism in the former Soviet Union would threaten United States national security, and in view of the substantial savings in defense made possible by changes in the former Soviet Union and in view of the need to secure these changes in order to achieve continued savings, of the funds appropriated by this joint resolution for foreign operations, export financing, and related programs, funds appropriated under the heading 'Economic Support Fund' may be made available for support for the economic and democratic development of the former Soviet Republics: *Provided,* That of the funds made available by this section, $50,000,000 may be made available to provide agricultural commodities for the people of the former Soviet Republics, with special emphasis on children and pre- and post-natal women: *Provided further,* That funds made available by this section may be used for administrative costs of the Agency for International Development in carrying out this program in accordance with the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds made available by this joint resolution for foreign operations, export financing, and related programs that are provided for assistance for the former Soviet Republics shall be made available except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That, notwithstanding any other provision of this joint resolution, the Export-Import Bank Act of 1945, is amended (1) in section 7, by repealing subsection (b), and (2) in section 2, by deleting in subsection 2(b)(3) '(ii) in an amount which equals or exceeds $25,000,000 for the export of goods or services involving research, exploration, or production of fossil fuel energy resources in the Union of Soviet Socialist Republics,' and (3) in subsection 2(b)(3) by redesignating '(iii)' as '(ii)'; and section 613 of the Trade Act of 1974 is repealed: *Provided further,* That funds made available by this joint resolution for foreign operations, export financing, and related programs for assistance in furtherance of the purposes of this section may be made available notwithstanding any other provision of law.

12 USC 635e.
12 USC 635.
19 USC 2487.

"EL SALVADOR

"SEC. 122. (a) Of the funds appropriated by this joint resolution for foreign operations, export financing, and related programs for the 'Foreign Military Financing Program', not more than the amount allocated pursuant to Public Law 102–145, $21,250,000, may be made available for military assistance for El Salvador; and such assistance shall be used only for non-lethal items for maintenance, sustainment, restructuring, and reduction and only in strict accordance with the newly defined mission of the Salvadoran Armed Forces as embodied within the Salvadoran Peace Accords.

"(b) Of the funds appropriated for the 'Foreign Military Financing Program' by this joint resolution, not less than $63,750,000 shall be transferred to the Demobilization and Transition Fund established by section 531(f) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and notwithstanding any other provision of this joint resolution, shall remain available until expended.

"(c) Funds transferred to the Demobilization and Transition Fund (in addition to amounts otherwise made available for such assistance) may be used for the following:

"(1) assistance described in section 531(f)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991;

"(2) assistance for law enforcement in accordance with subsection (e) of this section; and

"(3) assistance for reconstruction which directly supports the implementation of the Peace Accords, including implementation of the National Reconstruction Plan of the Government of El Salvador.

"(d) None of the funds transferred to the Demobilization and Transition Fund shall be made available for obligation from the Fund except through the regular reprogramming procedures of the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

"(e) Funds transferred to the Demobilization and Transition Fund may be used for assistance for law enforcement in a manner consistent with the Salvadoran Peace Accords and the National Reconstruction Plan of the Government of El Salvador, and may be made available notwithstanding section 660 of the Foreign Assistance Act of 1961.

"(f) Of the funds appropriated by this joint resolution under the heading 'Economic Support Fund', not less than $1,000,000 shall be made available to support El Salvador's Truth Commission and its investigations and publicization through reports of its findings and recommendations of unsolved human rights cases, including those specifically referred to in section 538 of Public Law 101–513, with a view to making recommendations on legal, political or administrative steps by the Government of El Salvador, including to bring to trial and verdict persons found responsible for such acts and to prevent recurrence of such acts. The Secretary of State will transmit reports of the Truth Commission to the appropriate Committees of Congress in a timely manner.

Reports.

"PROGRAM LIMITATION

"SEC. 123. Commitments to guarantee loans for foreign operations, export financing, and related programs under the 'Housing Guarantee Program Account' may be entered into notwithstanding the second sentence of section 222(a) and, with regard to programs for Eastern Europe, section 223(j) of the Foreign Assistance Act of 1961.

"ANTI-NARCOTICS UPDATE

"SEC. 124. The program authorized by section 534 of the Foreign Assistance Act of 1961 may continue from funds appropriated by this joint resolution for foreign operations, export financing, and related programs, notwithstanding the last sentence of section 534(e) of that Act: *Provided,* That such programs may include the protection of participants in judicial cases, notwithstanding section 660 of that Act: *Provided further,* That, notwithstanding sections 534(c) and 660 of that Act, (1) up to $10,000,000 to provide support for a professional civilian police force for Panama, except that such assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment, and (2) up to $16,000,000 for Bolivia, Colombia, and Peru. 22 USC 2346c note.

"INTERNATIONAL FINANCIAL INSTITUTIONS

"SEC. 125. (a) INTERNATIONAL FINANCE CORPORATION.—Notwithstanding any other provision of this joint resolution, the International Finance Corporation Act is amended by adding at the end the following:

"'SEC. 14. CAPITAL STOCK INCREASE. 22 USC 282*l*.

"'(a) SUBSCRIPTION AUTHORIZED.—

"'(1) IN GENERAL.—The United States Governor of the Corporation may—

"'(A) vote for an increase of 1,000,000 shares in the authorized capital stock of the Corporation; and

"'(B) subscribe on behalf of the United States to 250,000 additional shares of the capital stock of the Corporation.

"'(2) PRIOR APPROPRIATION REQUIRED.—The subscription authority provided in paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"'(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the subscription authorized in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $50,000,000 for payment by the Secretary of the Treasury.'.

"(b) ASIAN DEVELOPMENT BANK.—Notwithstanding any other provision of this joint resolution, the Asian Development Bank Act is amended by adding at the end the following:

22 USC 285aa.

"'SEC. 30. CAPITAL INCREASE.

"'(a) SUBSCRIPTION AUTHORIZED.—(1) The United States Governor of the Bank may subscribe on behalf of the United States to 35,230 additional shares of the capital stock of the Bank. (2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"'(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $213,000,000 for payment by the Secretary of the Treasury.'.

"(c) AFRICAN DEVELOPMENT FUND.—Notwithstanding any other provision of this joint resolution, the African Development Fund Act is amended by adding at the end the following:

22 USC 290g-15.

"'SEC. 216. SIXTH REPLENISHMENT.

"'(a) CONTRIBUTION AUTHORIZED.—The United States Governor of the Fund is authorized to contribute $405,000,000 to the sixth replenishment of the resources of the Fund, except that such authority shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"'(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $135,000,000 for payment by the Secretary of the Treasury.'.

"REDUCTION IN APPROPRIATIONS

"SEC. 126. Notwithstanding any other provision of this joint resolution, each discretionary appropriation provided in this joint resolution for foreign operations, export financing, and related programs except those funds made available by section 127, is hereby reduced by 1.4781 per centum.

"SEC. 127. Notwithstanding any other provision of this joint resolution, the following appropriation is made:

"DEPARTMENT OF STATE

"INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

"For an additional amount for 'Contributions for International Peacekeeping Activities', in addition to amounts otherwise available for such purposes, $270,000,000, to remain available until expended, notwithstanding section 15 of the State Department Basic Authorities Act of 1956.

"SEC. 128. Notwithstanding any other provision of this joint resolution, the following appropriation is made:

"SMALL BUSINESS ADMINISTRATION

"DISASTER LOANS PROGRAM ACCOUNT

"For an additional amount for the cost of direct loans, $82,025,000, to remain available until expended: *Provided*, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $241,748,000.

"In addition, for administrative expenses to carry out the disaster loan program, an additional $25,000,000, which may be transferred to and merged with the appropriations for 'Salaries and expenses'.

"Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Budget Enforcement Act of 1990.".

Approved April 1, 1992.

LEGISLATIVE HISTORY—H.J. Res. 456:

CONGRESSIONAL RECORD, Vol. 138 (1992):
Mar. 31, considered and passed House.
Apr. 1, considered and passed Senate, amended. House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Apr. 1, Presidential statement.