HOUSE OF REPRESENTATIVES—*Thursday, October 1, 1992*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that we will see Your wondrous acts not only in creation and redemption but in the tasks and actions and attitudes of daily lives. When we see the hungry, we can give food; where we find people without shelter, we can provide sanctuary; where there is loneliness, may we provide support and where there is sadness, we can give joy. May we, whatever our responsibility, take seriously the opportunity to see Your good word, O God, in the lives of people and may we thus become instruments of Your grace and good work. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New Jersey [Mrs. ROUKEMA] please come forward and lead the House in the Pledge of Allegiance.

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will entertain 10 requests on each side for 1-minute statements.

CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MCCURDY submitted the following conference report and statement on the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-963)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095), to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1993".

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Staff.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of Congress regarding disclosure of annual intelligence budget.
Sec. 304. Technical amendments.
Sec. 305. Airborne reconnaissance.

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 401. Postemployment assistance for certain DIA employees.
Sec. 402. Inclusion of Senior Executive Service positions in civilian intelligence personnel system.
Sec. 403. Notice to congressional intelligence committees of Department of Defense real property transactions and construction projects involving intelligence agencies.
Sec. 404. Amendments to National Security Education Act of 1991.
Sec. 405. Pay and allowances for employees of the National Security Agency.
Sec. 406. Exemption for National Reconnaissance Office from any requirement for disclosure of personnel information.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

Sec. 501. Temporary FBI authority to accept bequests or devises.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

Sec. 601. Authority of Inspector General to receive complaints and information from any person.

TITLE VII—INTELLIGENCE ORGANIZATION

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Participation of the Director of Central Intelligence in the National Security Council.
Sec. 704. Appointment of the Director and Deputy Director of Central Intelligence.
Sec. 705. Responsibilities and authorities of the Director of Central Intelligence.
Sec. 706. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

Sec. 801. Short title.
Sec. 802. Restatement of Act.
Sec. 803. Conforming amendments.
Sec. 804. Savings provisions.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1993, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany the conference report on the bill H.R. 5095 of the One Hundred Second Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1993 under section 102 of this Act when the Director deter-

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mines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT STAFF.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Staff of the Director of Central Intelligence for fiscal year 1993 the sum of $86,900,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 161 full-time personnel as of September 30, 1993. Such personnel may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1993, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(d) COMMUNITY MANAGEMENT STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.—During fiscal year 1993, activities and personnel of the Community Management Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1993 the sum of $168,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

SEC. 304. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY AGENCY ACT OF 1959.—The National Security Agency Act of 1959 is amended by redesignating the second section 17 (added by section 405 of Public Law 102-183) as section 18.

(b) PUBLIC LAW 102-88.—Effective as of August 14, 1991, section 305(a)(3) of Public Law 102-88 (105 Stat. 432) is amended by striking out "in the last sentence" and inserting in lieu thereof "in the penultimate sentence".

SEC. 305. AIRBORNE RECONNAISSANCE.

(a) Of the amount authorized to be appropriated by section 101 for reconnaissance programs, funds are authorized for an advanced airborne reconnaissance system.

(b) The amount authorized in subsection (a) is the amount equal to one-third of the amount authorized for a similar activity in the National Foreign Intelligence Program for fiscal year 1992 by the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102-183).

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 401. POSTEMPLOYMENT ASSISTANCE FOR CERTAIN DIA EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—Subsection (e) of section 1604 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist employees who have been in sensitive positions in the Defense Intelligence Agency and who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Defense Intelligence Agency, or whose employment with the Defense Intelligence Agency has been terminated—

"(i) in finding and qualifying for subsequent employment;

"(ii) in receiving treatment of medical or psychological disabilities; and

"(iii) in providing necessary financial support during periods of unemployment.

"(B) Assistance may be provided under subparagraph (A) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this paragraph for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(C) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this paragraph.".

(b) FIRST ANNUAL REPORT.—The first report under paragraph (4) of section 1604(e) of title 10, United States Code, shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 402. INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS IN CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS.—Section 1590 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting ", including positions in the Senior Executive Service," after "positions"; and

(B) by inserting after "such departments" the following: ", except that the total number of positions in the Senior Executive Service established pursuant to this section may not exceed one-half of one percent of the total number of all civilian intelligence positions established pursuant to this section;";

(2) in subsection (b), by inserting after the first sentence the following new sentence: "The Secretary shall also fix rates of pay for positions in the Senior Executive Service established pursuant to this section that are not in excess of the maximum rate or less than the minimum rate of basic pay established pursuant to section 5382 of title 5."; and

(3) by adding at the end the following new subsections:

"(f) With regard to any position in the Senior Executive Service which may be established pursuant to this section, the Secretary of Defense shall prescribe regulations to implement this section which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304, subsections (a), (b), and (c) of section 7543 (except that any hearing or appeal to which a member of the Senior Executive Service is entitled shall be held or decided pursuant to regulations issued by the Secretary), and subchapter II of chapter 43 of title 5. The Secretary of Defense shall also prescribe, to the extent practicable, regulations to implement such other provisions of title 5 as apply to members of the Senior Executive Service or to individuals applying for positions in the Senior Executive Service.

"(g) The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Senior Executive Service whose positions may be established pursuant to this section. The awarding of such a rank shall be made in a manner consistent with the provisions of that section.".

(b) CONFORMING AMENDMENT.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting after "National Security Agency" the following: ", Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10,".

SEC. 403. NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES OF DEPARTMENT OF DEFENSE REAL PROPERTY TRANSACTIONS AND CONSTRUCTION PROJECTS INVOLVING INTELLIGENCE AGENCIES.

(a) REAL PROPERTY TRANSACTIONS.—(1) Section 2662 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Whenever a transaction covered by this section is made by or on behalf of an intelligence component of the Department of Defense or involves real property used by such a component, any report under this section with respect to the transaction that is submitted to the Committees on Armed Services of the Senate and the House of Representatives shall be submitted concurrently to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(2)(A) The heading of such section is amended to read as follows:

"§2662. Real property transactions: reports to congressional committees".

(B) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2662. Real property transactions: reports to congressional committees.".

(b) CONSTRUCTION PROJECTS.—Section 2801(c)(4) of such title is amended by inserting before the period at the end the following: "and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate".

SEC. 404. AMENDMENTS TO NATIONAL SECURITY EDUCATION ACT OF 1991.

(a) REDESIGNATION OF ACT.—Section 801(a) of the National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1901 et seq.) is amended to read as follows:

"(a) SHORT TITLE.—This title may be cited as the 'David L. Boren National Security Education Act of 1991'.".

(b) PROGRAM REVISIONS.—Section 802(a) of such Act (50 U.S.C. 1902(a))—

(1) in paragraph (1)(A), by inserting "or equivalent term," after "at least one academic semester";

(2) in paragraph (1)(B)(i), by striking out "in the United States" and inserting in lieu thereof "as part of a graduate degree program of a United States institution of higher education"; and

(3) in paragraph (4), by adding at the end the following new sentence: "In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.".

(c) REPEAL OF REQUIRED ENTITY TO ADMINISTER PROGRAM.—Section 802 of such Act is further amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) NATIONAL SECURITY EDUCATION BOARD.—Section 803(b) of such Act (50 U.S.C. 1903(b)) is amended—

(1) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) The Chairperson of the National Endowment for the Humanities."; and

(3) in paragraph (8) (as so redesignated)—

(A) by striking out "Four individuals" and inserting in lieu thereof "Six individuals"; and

(B) by inserting before the period at the end the following: "and who may not be officers or employees of the Federal Government".

(e) FUND ASSETS AVAILABLE FOR INVESTMENT.—Section 804(c) of such Act (50 U.S.C. 1904(c)) is amended by striking out "obligation" at the end of the first sentence and inserting in lieu thereof "expenditure".

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 to the National Security Education Trust Fund established by section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904) the sum of $30,000,000.

SEC. 405. PAY AND ALLOWANCES FOR EMPLOYEES OF THE NATIONAL SECURITY AGENCY.

Section 2 of the National Security Agency Act of 1959 (Public Law 86-36; 50 U.S.C. 402 note) is amended to read as follows:

"SEC. 2. (a) The Secretary of Defense (or his designee) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic pay for such positions shall be fixed by the Secretary of Defense (or his designee for this purpose) in relation to the rates of basic pay provided for in subpart D of part III of title 5, United States Code, for positions subject to such title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, no officer or employee of the National Security Agency shall be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of such title and not more than 70 such officers and employees shall be paid within the range of rates authorized in section 5376 of such title.

"(b) The Secretary of Defense (or his designee) may provide officers and employees of the National Security Agency other compensation, benefits, incentives, and allowances which are consistent with, and do not exceed the levels authorized for, such compensation, benefits, incentives, or allowances by title 5, United States Code.".

SEC. 406. EXEMPTION FOR NATIONAL RECONNAISSANCE OFFICE FROM ANY REQUIREMENT FOR DISCLOSURE OF PERSONNEL INFORMATION.

(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), nothing in this Act or any other provision of law shall be construed to require the disclosure of the name, title, or salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

SEC. 501. TEMPORARY FBI AUTHORITY TO ACCEPT BEQUESTS OR DEVISES.

(a) ACCEPTANCE OF BEQUESTS.—During fiscal year 1993, the Director of the Federal Bureau of Investigation may accept, on behalf of the Bureau, any bequest or devise made by a citizen of the United States, if such bequest or devise is used only—

(1) to fund and administer, in accordance with regulations prescribed by the Director, a scholarship program for the benefit of the immediate families of Federal law enforcement officers slain or permanently disabled in the line of duty; and

(2) to pay all necessary expenses in connection with the acceptance of such bequest or devise.

(b) AUTHORITY TO USE FUNDS.—(1) Notwithstanding any other provision of law, proceeds from the sale of property accepted as a bequest or devise by the Director pursuant to subsection (a) shall be maintained in an interest bearing account and shall remain available for disbursement for purposes of this section until such funds are expended.

(2) The authority of paragraph (1) may be exercised only to such extent and in such amounts as are provided in advance in appropriation Acts.

(c) REGULATIONS REQUIRED.—Not later than 90 days after accepting any bequest or devise pursuant to this section, the Director shall prescribe regulations to implement the provisions of this section in a fair, equitable manner, and shall make copies of such regulations available to all Federal law enforcement agencies. Copies of such regulations shall also be provided the Judiciary Committees of the Senate and the House of Representatives.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SEC. 601. AUTHORITY OF CIA INSPECTOR GENERAL TO RECEIVE COMPLAINTS AND INFORMATION FROM ANY PERSON.

Section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by striking out "an employee of the Agency" and inserting in lieu thereof "any person"; and

(2) by inserting "from an employee of the Agency" after "received".

TITLE VII—INTELLIGENCE ORGANIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Organization Act of 1992".

SEC. 702. DEFINITIONS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 2 the following new section:

"DEFINITIONS

"SEC. 3. As used in this Act:

"(1) The term 'intelligence' includes foreign intelligence and counterintelligence.

"(2) The term 'foreign intelligence' means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons.

"(3) The term 'counterintelligence' means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

"(4) The term 'intelligence community' includes—

"(A) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence, the National Intelligence Council (as provided for in section 105(b)(3)), and such other offices as the Director may designate;

"(B) the Central Intelligence Agency;

"(C) the National Security Agency;

"(D) the Defense Intelligence Agency;

"(E) the central imagery authority within the Department of Defense;

"(F) the National Reconnaissance Office;

"(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

"(H) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department of Energy;

"(I) the Bureau of Intelligence and Research of the Department of State; and

"(J) such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

"(5) The terms 'national intelligence' and 'intelligence related to the national security'—

"(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

"(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director of Central Intelligence and the Attorney General, or otherwise as expressly provided for in this title.

"(6) The term 'National Foreign Intelligence Program' refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.".

SEC. 703. PARTICIPATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE IN THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end thereof the following new subsection:

"(h) The Director of Central Intelligence (or, in the Director's absence, the Deputy Director of Central Intelligence) may, in the performance of the Director's duties under this Act and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 704. APPOINTMENT OF THE DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in the first sentence of subsection (a)—

(A) by striking out "under the National Security Council"; and

(B) by striking out "with a Director" and all that follows through "disability"; and

(3) by striking out the second sentence of subsection (a) and subsections (b) through (f) and inserting in lieu thereof the following:

"(2) There shall be a Director of Central Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall—

"(A) serve as head of the United States intelligence community;

"(B) act as the principal adviser to the President for intelligence matters related to the national security; and

"(C) serve as head of the Central Intelligence Agency.

"(b) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be a Deputy Director of Central Intelligence, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall act for, and exercise the powers of, the Director during the Director's absence or disability.

"(c)(1) The Director or Deputy Director of Central Intelligence may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in an active or retired status.

"(2) It is the sense of the Congress that under ordinary circumstances, it is desirable that either the Director or the Deputy Director be a commissioned officer of the Armed Forces or that either such appointee otherwise have, by training or experience, an appreciation of military intelligence activities and requirements.

"(3)(A) A commissioned officer of the Armed Forces appointed pursuant to paragraph (2) or (3), while serving in such position—

"(i) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

"(ii) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

"(iii) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of which such officer is a member.

"(B) Except as provided in clause (i) or (ii) of paragraph (A), the appointment of a commissioned officer of the Armed Forces pursuant to paragraph (2) or (3) shall in no way affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

"(C) A commissioned officer of the Armed Forces appointed pursuant to subsection (a) or (b), while serving in such position, shall continue to receive military pay and allowances (including retired pay) payable to a commissioned officer of the officer's grade and length of service for which the appropriate military department shall be reimbursed from funds available to the Director of Central Intelligence.

"(d) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 705. RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking out section 102a;

(2) by redesignating sections 103 and 104 as sections 107 and 108, respectively; and

(3) by inserting after section 102, as amended by section 721, the following new sections:

"RESPONSIBILITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 103. (a) PROVISION OF INTELLIGENCE.—(1) Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing national intelligence—

"(A) to the President;

"(B) to the heads of departments and agencies of the executive branch; and

"(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

"(D) where appropriate, to the Senate and House of Representatives and the committees thereof.

"(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

"(b) NATIONAL INTELLIGENCE COUNCIL.—(1)(A) There is established within the Office of the Director of Central Intelligence the National Intelligence Council (hereafter in this section referred to as the 'Council'). The Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intelligence.

"(B) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

"(2) The Council shall—

"(A) produce national intelligence estimates for the Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community; and

"(B) otherwise assist the Director in carrying out the responsibilities described in subsection (a).

"(3) Within their respective areas of expertise and under the direction of the Director, the members of the Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the Government.

"(4) The Director shall make available to the Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subsection and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

"(5) The heads of elements within the intelligence community shall, as appropriate, furnish such support to the Council, including the preparation of intelligence analyses, as may be required by the Director.

"(c) HEAD OF THE INTELLIGENCE COMMUNITY.—In the Director's capacity as head of the intelligence community, the Director shall—

"(1) develop and present to the President an annual budget for the National Foreign Intelligence Program of the United States;

"(2) establish the requirements and priorities to govern the collection of national intelligence by elements of the intelligence community;

"(3) promote and evaluate the utility of national intelligence to consumers within the Government;

"(4) eliminate waste and unnecessary duplication within the intelligence community;

"(5) protect intelligence sources and methods from unauthorized disclosure; and

"(6) perform such other functions as the President or the National Security Council may direct.

"(d) HEAD OF THE CENTRAL INTELLIGENCE AGENCY.—In the Director's capacity as head of the Central Intelligence Agency, the Director shall—

"(1) collect intelligence through human sources and by other appropriate means, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

"(2) provide overall direction for the collection of national intelligence through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized;

"(3) correlate and evaluate intelligence related to the national security and providing appropriate dissemination of such intelligence;

"(4) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Central Intelligence determines can be more efficiently accomplished centrally; and

"(5) perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct.

"AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 104. (a) ACCESS TO INTELLIGENCE.—To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

"(b) APPROVAL OF BUDGETS.—The Director of Central Intelligence shall provide guidance to elements of the intelligence community for the preparation of their annual budgets and shall approve such budgets before their incorporation in the National Foreign Intelligence Program.

"(c) ROLE OF DCI IN REPROGRAMMING.—No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

"(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the intelligence community to another such element for periods up to a year.

"(2) A transfer of funds or personnel may be made under this subsection only if—

"(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

"(B) the need for funds or personnel for such activity is based on unforeseen requirements;

"(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;

"(D) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation; and

"(E) the Secretary or head of the department which contains the affected element or elements of the intelligence community does not object to such transfer.

"(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

"(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this section.

"(5) The Director shall promptly submit to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

"(e) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

"(f) USE OF PERSONNEL.—The Director shall, in coordination with the heads of departments and agencies with elements in the intelligence community, institute policies and programs within the intelligence community—

"(1) to provide for the rotation of personnel between the elements of the intelligence community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions; and

"(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the intelligence community.

"(g) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—Notwithstanding the provisions of any other law, the Director may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director shall deem such termination necessary or advisable in the interests of the United States. Any such termination shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sections 102a and 103 and inserting in lieu thereof the following new items:

"Sec. 103. Responsibilities of the Director of Central Intelligence.
"Sec. 104. Authorities of the Director of Central Intelligence.
"Sec. 107. National Security Resources Board.
"Sec. 108. Annual National Security Strategy Report.".

SEC. 706. RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 104 (as added by section 705) the following new sections:

"RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM

"SEC. 105. (a) IN GENERAL.—The Secretary of Defense shall—

"(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing government-wide functions, the needs of other departments and agencies;

"(2) ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program;

"(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Foreign Intelligence Program;

"(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

"(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

"(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

"(b) RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with sections 103 and 104 of this Act, the Secretary of Defense shall ensure—

"(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

"(2) through a central imagery authority (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients;

"(3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;

"(4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;

"(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence activities, including defense attaches; and

"(6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

"(A) the requirements of the Director of Central Intelligence;

"(B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

"(C) the requirements of the unified and specified combatant commands and of joint operations; and

"(D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

"(c) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

"ADMINISTRATIVE PROVISIONS PERTAINING TO DEFENSE ELEMENTS WITHIN THE INTELLIGENCE COMMUNITY

"SEC. 106. (a) CONSULTATIONS WITH REGARD TO CERTAIN APPOINTMENTS.—The Secretary of Defense shall undertake appropriate consultations with the Director of Central Intelligence before the appointment of any individual as head of the National Security Agency, the National Reconnaissance Office, or the Defense Intelligence Agency.

"(b) APPOINTMENT OF HEAD OF CENTRAL IMAGERY AUTHORITY.—The Secretary shall appoint, upon the recommendation of the Director, the head of the central imagery authority within the Department of Defense.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 104 (as added by section 705(b)) the following new items:

"Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.
"Sec. 106. Administrative provisions pertaining to defense elements within the intelligence community.".

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

SEC. 801. SHORT TITLE.

This title may be cited as the "CIARDS Technical Corrections Act of 1992".

SEC. 802. RESTATEMENT OF ACT.

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Central Intelligence Agency Retirement Act'.

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

"Sec. 1. Short title; table of contents.

"TITLE I—DEFINITIONS

"Sec. 101. Definitions relating to the system.
"Sec. 102. Definitions relating to participants and annuitants.

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"PART A—ESTABLISHMENT OF SYSTEM

"Sec. 201. The CIARDS system.
"Sec. 202. Central Intelligence Agency Retirement and Disability Fund.
"Sec. 203. Participants in the CIARDS system.
"Sec. 204. Annuitants.

"PART B—CONTRIBUTIONS

"Sec. 211. Contributions to fund.

"PART C—COMPUTATION OF ANNUITIES

"Sec. 221. Computation of annuities.
"Sec. 222. Annuities for former spouses.
"Sec. 223. Election of survivor benefits for certain former spouses divorced as of November 15, 1982.
"Sec. 224. Survivor annuity for certain other former spouses.
"Sec. 225. Retirement annuity for certain former spouses.
"Sec. 226. Survivor annuities for previous spouses.

"PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

"Sec. 231. Retirement for disability or incapacity—medical examination—recovery.
"Sec. 232. Death in service.
"Sec. 233. Voluntary retirement.
"Sec. 234. Discontinued service benefits.
"Sec. 235. Mandatory retirement.
"Sec. 236. Eligibility for annuity.

"PART E—LUMP-SUM PAYMENTS

"Sec. 241. Lump-sum payments.

"PART F—PERIOD OF SERVICE FOR ANNUITIES

"Sec. 251. Computation of length of service.
"Sec. 252. Prior service credit.
"Sec. 253. Credit for service while on military leave.

"PART G—MONEYS

"Sec. 261. Estimate of appropriations needed.
"Sec. 262. Investment of moneys in the fund.
"Sec. 263. Payment of benefits.
"Sec. 264. Attachment of moneys.
"Sec. 265. Recovery of payments.

"PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY OR REEMPLOYED IN THE GOVERNMENT

"Sec. 271. Recall.
"Sec. 272. Reemployment.
"Sec. 273. Reemployment compensation.

"PART I—VOLUNTARY CONTRIBUTIONS

"Sec. 281. Voluntary contributions.

"PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

"Sec. 291. Cost-of-living adjustment of annuities.

"PART K—CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

"Sec. 292. Authority to maintain existing areas of conformity between Civil Service and Central Intelligence Agency Retirement and Disability Systems.
"Sec. 293. Thrift savings plan participation.
"Sec. 294. Alternative forms of annuities.
"Sec. 295. Payments from CIARDS fund for portions of certain Civil Service Retirement System annuities.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"Sec. 301. Application of Federal Employees' Retirement System to Agency employees.
"Sec. 302. Special rules relating to section 203 criteria employees.
"Sec. 303. Special rules for other employees for service abroad.
"Sec. 304. Special rules for former spouses.
"Sec. 305. Administrative provisions.
"Sec. 306. Regulations.
"Sec. 307. Transition regulations.

"TITLE I—DEFINITIONS

"SEC. 101. DEFINITIONS RELATING TO THE SYSTEM.

"When used in this Act:

"(1) AGENCY.—The term 'Agency' means the Central Intelligence Agency.

"(2) DIRECTOR.—The term 'Director' means the Director of Central Intelligence.

"(3) QUALIFYING SERVICE.—The term 'qualifying service' means service determined by the Director to have been performed in carrying out duties described in section 203.

"(4) FUND BALANCE.—The term 'fund balance' means the sum of—

"(A) the investments of the fund calculated at par value; and

"(B) the cash balance of the fund on the books of the Treasury.

"(5) UNFUNDED LIABILITY.—The term 'unfunded liability' means the estimated amount by which—

"(A) the present value of all benefits payable from the fund exceeds

"(B) the sum of—

"(i) the present value of deductions to be withheld from the future basic pay of participants subject to title II and of future Agency contributions to be made on the behalf of such participants;

"(ii) the present value of Government payments to the fund under sections 261(c) and 261(d); and

"(iii) the fund balance as of the date on which the unfunded liability is determined.

"(6) NORMAL COST.—The term 'normal cost' means the level percentage of payroll required to be deposited in the fund to meet the cost of benefits payable under the system (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for government employees and less the cost of credit allowed for military service.

"(7) LUMP-SUM CREDIT.—The term 'lump-sum credit' means the unrefunded amount consisting of retirement deductions made from a participant's basic pay, amounts deposited by a participant covering earlier service, including any amounts deposited under section 252(h), and interest determined under section 281.

"(8) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(9) EMPLOYEE.—The term 'employee' includes an officer of the Agency.

"SEC. 102. DEFINITIONS RELATING TO PARTICIPANTS AND ANNUITANTS.

"(a) GENERAL DEFINITIONS.—When used in title II:

"(1) FORMER PARTICIPANT.—The term 'former participant' means a person who—

"(A) while an employee of the Agency was a participant in the system; and

"(B) separates from the Agency without entitlement to immediate receipt of an annuity from the fund.

"(2) RETIRED PARTICIPANT.—The term 'retired participant' means a person who—

"(A) while an employee of the Agency was a participant in the system; and

"(B) is entitled to receive an annuity from the fund based upon such person's service as a participant.

"(3) SURVIVING SPOUSE.—

"(A) IN GENERAL.—The term 'surviving spouse' means the surviving wife or husband of a participant or retired participant who (i) was married to the participant or retired participant for at least 9 months immediately preceding the participant's or retired participant's death, or (ii) who is the parent of a child born of the marriage.

"(B) TREATMENT WHEN PARTICIPANT DIES LESS THAN 9 MONTHS AFTER MARRIAGE.—In a case in which the participant or retired participant dies within the 9-month period beginning on the date of the marriage, the requirement under subparagraph (A)(i) that a marriage have a duration of at least 9 months immediately preceding the death of the participant or retired participant shall be treated as having been met if—

"(i) the death of the participant or retired participant was accidental; or

"(ii) the surviving wife or husband had been previously married to the participant or retired participant (and subsequently divorced) and the aggregate time married is at least 9 months.

"(4) FORMER SPOUSE.—The term 'former spouse' means a former wife or husband of a participant, former participant, or retired participant as follows:

"(A) DIVORCES ON OR BEFORE DECEMBER 4, 1991.—In the case of a divorce that became final on or before December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent outside the United States by both such participant and former wife or husband during the participant's service as an employee of the Agency.

"(B) DIVORCES AFTER DECEMBER 4, 1991.—In the case of a divorce that becomes final after December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent by the participant during the participant's service as an employee of the Agency (i) outside the United States, or (ii) otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 203.

"(C) CREDITABLE SERVICE.—For purposes of subparagraphs (A) and (B), the term 'creditable service' means all periods of a participant's service that are creditable under sections 251, 252, and 253.

"(5) PREVIOUS SPOUSE.—The term 'previous spouse' means an individual who was married for at least 9 months to a participant, former participant, or retired participant who had at least 18 months of service which are creditable under sections 251, 252, and 253.

"(6) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between a participant, former participant, or retired participant and the participant, former participant, or retired participant's spouse or former spouse that—

"(A) is in writing, is signed by the parties, and is notarized;

"(B) has not been modified by court order; and

"(C) has been authenticated by the Director.

"(7) COURT ORDER.—The term 'court order' means—

"(A) a court decree of divorce, annulment, or legal separation; or

"(B) a court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

"(8) COURT.—The term 'court' means a court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

"(b) DEFINITION OF CHILD.—For purposes of sections 221 and 232:

"(1) IN GENERAL.—The term 'child' means any of the following:

"(A) MINOR CHILDREN.—An unmarried dependent child under 18 years of age, including—

"(i) an adopted child;

"(ii) a stepchild, but only if the stepchild lived with the participant or retired participant in a regular parent-child relationship;

"(iii) a recognized natural child; and

"(iv) a child who lived with the participant, for whom a petition of adoption was filed by the participant or retired participant, and who is adopted by the surviving spouse after the death of the participant or retired participant.

"(B) DISABLED ADULT CHILDREN.—An unmarried dependent child, regardless of age, who is incapable of self-support because of a physical or mental disability incurred before age 18.

"(C) STUDENTS.—An unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

"(2) SPECIAL RULES FOR STUDENTS.—

"(A) EXTENSION OF AGE TERMINATION OF STATUS AS 'CHILD'.—For purposes of this subsection, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, shall be treated as having attained the age of 22 on the first day of July following that birthday.

"(B) TREATMENT OF INTERIM PERIOD BETWEEN SCHOOL YEARS.—A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim does not exceed 5 months and if the child shows to the satisfaction of the Director that the child has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

"(3) DEPENDENT DEFINED.—For purposes of this subsection, the term 'dependent', with respect to the child of a participant or retired participant, means that the participant or retired participant was, at the time of the death of the participant or retired participant, either living with or contributing to the support of the child, as determined in accordance with regulations prescribed under title II.

"(4) EXCLUSION OF STEPCHILDREN FROM LUMP-SUM PAYMENT.—For purposes of section 241(c), the term 'child' includes an adopted child and a natural child, but does not include a stepchild.

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"Part A—Establishment of System

"SEC. 201. THE CIARDS SYSTEM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF SYSTEM.—There is a retirement and disability system for certain employees of the Central Intelligence Agency known as the Central Intelligence Agency Retirement and Disability System (hereinafter in this Act referred to as the 'system'), originally established pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"(2) DCI REGULATIONS.—The Director shall prescribe regulations for the system. The Director shall submit any proposed regulations for the system to the congressional intelligence committees not less than 14 days before they take effect.

"(b) ADMINISTRATION OF SYSTEM.—The Director shall administer the system in accordance with regulations prescribed under this title and with the principles established by this title.

"(c) FINALITY OF DECISIONS OF DCI.—In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other provision of law (except section 305(b) of this Act), any determination by the Director authorized by this Act shall be final and conclusive and shall not be subject to review by any court.

"SEC. 202. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY FUND.

"The Director shall maintain the fund in the Treasury known as the 'Central Intelligence Agency Retirement and Disability Fund' (hereinafter in this Act referred to as the 'fund'), originally created pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"SEC. 203. PARTICIPANTS IN THE CIARDS SYSTEM.

"(a) DESIGNATION OF PARTICIPANTS.—The Director may from time to time designate employees of the Agency who shall be entitled to participate in the system. Employees so designated who elect to participate in the system are referred to in this Act as 'participants'.

"(b) QUALIFYING SERVICE.—Designation of employees under this section may be made only from among employees of the Agency who have completed at least 5 years of qualifying service. For purposes of this Act, qualifying service is service in the Agency performed in carrying out duties that are determined by the Director—

"(1) to be in support of Agency activities abroad hazardous to life or health; or

"(2) to be so specialized because of security requirements as to be clearly distinguishable from normal government employment.

"(c) ELECTION OF EMPLOYEE TO BE A PARTICIPANT.—

"(1) PERMANENCE OF ELECTION.—An employee of the Agency who elects to accept designation as a participant in the system shall remain a participant of the system for the duration of that individual's employment with the Agency.

"(2) IRREVOCABILITY OF ELECTION.—Such an election shall be irrevocable except as and to the extent provided in section 301(d).

"(3) ELECTION NOT SUBJECT TO APPROVAL.—An election under this section is not subject to review or approval by the Director.

"SEC. 204. ANNUITANTS.

"Persons who are annuitants under the system are—

"(1) those persons who, on the basis of their service in the Agency, have met all requirements for an annuity under this title or any other Act and are receiving an annuity from the fund; and

"(2) those persons who, on the basis of someone else's service, meet all the requirements under this title or any other Act for an annuity payable from the fund.

"Part B—Contributions

"SEC. 211. CONTRIBUTIONS TO FUND.

"(a) IN GENERAL.—

"(1) PARTICIPANT'S CONTRIBUTIONS.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

"(2) AGENCY CONTRIBUTIONS.—An equal amount shall be contributed to the fund for that pay period from the appropriation or fund which is used for payment of the participant's basic pay.

"(3) DEPOSITS TO THE FUND.—The amounts deducted and withheld from basic pay, together with the amounts so contributed from the appropriation or fund, shall be deposited by the Director to the credit of the fund.

"(b) CONSENT OF PARTICIPANT TO DEDUCTIONS FROM PAY.—Each participant shall be deemed to consent and agree to such deductions from basic pay, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant is entitled under this title, notwithstanding any law, rule, or regulation affecting the individual's pay.

"(c) TREATMENT OF CONTRIBUTIONS AFTER 35 YEARS OF SERVICE.—

"(1) ACCRUAL OF INTEREST.—Amounts deducted and withheld from the basic pay of a participant under this section for pay periods after the first day of the first pay period beginning after the day on which the participant completes 35 years of creditable service computed under sections 251 and 252 (excluding service credit for unused sick leave under section 221(a)(2)) shall accrue interest. Such interest shall accrue at the rate of 3 percent a year through December 31, 1984, and thereafter at the rate computed under section 8334(e) of title 5, United States Code, and shall be compounded annually from the date on which the amount is so deducted and withheld until the date of the participant's retirement or death.

"(2) USE OF AMOUNTS WITHHELD AFTER 35 YEARS OF SERVICE.—

"(A) USE FOR DEPOSITS DUE UNDER SECTION 252(b).—Amounts described in paragraph (1), including interest accrued on such amounts, shall be applied upon the participant's retirement or death toward any deposit due under section 252(b).

"(B) LUMP-SUM PAYMENT.—Any balance of such amounts not so required for such a deposit shall be refunded to the participant in a lump sum after the participant's separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection 241(c)), subject to the requirement under section 241(b)(4).

"(C) PURCHASES OF ADDITIONAL ELECTIVE BENEFITS.—In lieu of such a lump-sum payment, the participant may use such amounts—

"(i) to purchase an additional annuity in accordance with section 281; or

"(ii) provide any additional survivor benefit for a current or former spouse or spouses.

"(d) OFFSET FOR SOCIAL SECURITY TAXES.—

"(1) PERSONS COVERED.—In the case of a participant who was a participant subject to this title before January 1, 1984, and whose service—

"(A) is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, and

"(B) is not creditable service for any purpose under title III of this Act or chapter 84 of title 5, United States Code,

there shall be deducted and withheld from the basic pay of the participant under this section during any pay period only the amount computed under paragraph (2).

"(2) REDUCTION IN CONTRIBUTION.—The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

"(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) by the basic pay payable to the participant for that pay period, over

"(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 (relating to old-age, survivors, and disability insurance) for that pay period.

"Part C—Computation of Annuities

"SEC. 221. COMPUTATION OF ANNUITIES.

"(a) ANNUITY OF PARTICIPANT.—

"(1) COMPUTATION OF ANNUITY.—The annuity of a participant is the product of—

"(A) the participant's high-3 average pay (as defined in paragraph (4)); and

"(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 251 and 252) multiplied by 2 percent.

"(2) CREDIT FOR UNUSED SICK LEAVE.—The total service of a participant who retires on an immediate annuity (except under section 231) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this title. A deposit shall not be required for days of unused sick leave credited under this paragraph.

"(3) CREDITING OF PART-TIME SERVICE.—

"(A) IN GENERAL.—In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant's annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

"(B) COMPUTATION OF PRE-APRIL 7, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service before April 7, 1986, shall be the amount computed under paragraph (1) using the participant's length of service before that date (increased by the unused sick leave to the credit of the participant at the time of retirement) and the participant's high-3 average pay.

"(C) COMPUTATION OF POST-APRIL 6, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service after April 6, 1986, shall be the product of—

"(i) the amount computed under paragraph (1), using the participant's length of service after that date and the participant's high-3 average pay, as determined by using the annual rate of basic pay that would be payable for full-time service; and

"(ii) the ratio which the participant's actual service after April 6, 1986 (as determined by prorating the participant's total service after that date to reflect the service that was performed on a part-time basis) bears to the total service after that date that would be creditable for the participant if all the service had been performed on a full-time basis.

"(D) TREATMENT OF EMPLOYMENT ON TEMPORARY OR INTERMITTENT BASIS.—Employment on a temporary or intermittent basis shall not be considered to be service on a part-time basis for purposes of this paragraph.

"(4) HIGH-3 AVERAGE PAY DEFINED.—For purposes of this subsection, a participant's high-3 average pay is the amount of the participant's average basic pay for the highest 3 consecutive years of the participant's service (or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service) for which full contributions have been made to the fund.

"(5) COMPUTATION OF SERVICE.—In determining the aggregate period of service upon which an annuity is to be based, any fractional part of a month shall not be counted.

"(b) SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

"(1) REDUCTION IN PARTICIPANT'S ANNUITY TO PROVIDE SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

"(A) GENERAL RULE.—Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 55), the participant shall receive a reduced annuity and provide a survivor annuity for the participant's spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

"(B) JOINT ELECTION FOR WAIVER OR REDUCTION OF SPOUSE SURVIVOR ANNUITY.—A married participant or former participant and the participant's spouse may jointly elect in writing at the time of retirement to waive a survivor annuity for that spouse under this section or to reduce such survivor annuity under this section by designating a portion of the annuity of the participant as the base for the survivor annuity. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

"(C) JOINT ELECTION OF PARTICIPANT AND FORMER SPOUSE.—If a participant or former participant has a former spouse, such participant and the participant's former spouse may jointly elect by spousal agreement under section 264(b) to waive, reduce, or increase a survivor annuity under section 222(b) for that former spouse. Any such election must be made (i) before the end of the 12-month period beginning on the date on which the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement of the participant, whichever is later.

"(D) UNILATERAL ELECTIONS IN ABSENCE OF SPOUSE OR FORMER SPOUSE.—The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) AMOUNT OF REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity of a participant or former participant providing a survivor annuity under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

"(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

"(A) IN GENERAL.—If a retired participant receiving a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse. The amount of the annuity shall be equal to 55 percent of (i) the full amount of the participant's annuity computed under subsection (a), or (ii) any lesser amount elected as the base for the survivor annuity under paragraph (1)(B).

"(B) LIMITATION.—Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the retired participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor annuities which remains available under section 222(b)(4)(B).

"(C) EFFECTIVE DATE AND TERMINATION OF ANNUITY.—An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the retired participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 55. If such survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(c) 18-MONTH OPEN PERIOD AFTER RETIREMENT TO PROVIDE SPOUSE COVERAGE.—

"(1) SURVIVOR ANNUITY ELECTIONS.—

"(A) ELECTION WHEN SPOUSE COVERAGE WAIVED AT TIME OF RETIREMENT.—A participant or former participant who retires after March 31, 1992 and who—

"(i) is married at the time of retirement; and

"(ii) elects at that time (in accordance with subsection (b)) to waive a survivor annuity for the spouse,

may, during the 18-month period beginning on the date of the retirement of the participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the participant's spouse.

"(B) ELECTION WHEN REDUCED SPOUSE ANNUITY ELECTED.—A participant or former participant who retires after March 31, 1992, and—

"(i) who, at the time of retirement, is married, and

"(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2) DEPOSIT REQUIRED.—

"(A) REQUIREMENT.—An election under paragraph (1) shall not be effective unless the amount specified in subparagraph (B) is deposited into the fund before the end of that 18-month period.

"(B) AMOUNT OF DEPOSIT.—The amount to be deposited with respect to an election under this subsection is the amount equal to the sum of the following:

"(i) ADDITIONAL COST TO SYSTEM.—The additional cost to the system that is associated with providing a survivor annuity under subsection (b) and that results from such election, taking into account—

"(I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity; and

"(II) the costs associated with providing for the later election.

"(ii) INTEREST.—Interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) VOIDING OF PREVIOUS ELECTIONS.—An election by a participant or former participant under this subsection voids prospectively any

election previously made in the case of such participant under subsection (b).

"(4) REDUCTIONS IN ANNUITY.—An annuity that is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) RIGHTS AND OBLIGATIONS RESULTING FROM REDUCED ANNUITY ELECTION.—Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations that would have resulted had the participant involved elected such annuity at the time of retirement.

"(d) ANNUITIES FOR SURVIVING CHILDREN.—

"(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a retired participant who died before April 1, 1992, and who is survived by a child or children—

"(A) if the retired participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

"(B) if the retired participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

"(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a retired participant who dies on or after April 1, 1992, and who is survived by a child or children—

"(A) if the retired participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

"(B) if the retired participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

"(3) AMOUNT OF ANNUITY.—

"(A) The annual amount of an annuity for the surviving child of a participant covered by paragraph (1)(A) or (2)(A) of this subsection (or covered by paragraph (1)(A) or (2)(A) of section 232(c)) is the smallest of the following:

"(i) 60 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

"(ii) $900, as adjusted under section 291.

"(iii) $2,700, as adjusted under section 291, divided by the number of children.

"(B) The amount of an annuity for the surviving child of a participant covered by paragraph (1)(B) or (2)(B) of this subsection (or covered by paragraph (1)(B) or (2)(B) of section 232(c)) is the smallest of the following:

"(i) 75 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

"(ii) $1,080, as adjusted under section 291.

"(iii) $3,240, as adjusted under section 291, divided by the number of children.

"(4) RECOMPUTATION OF CHILD ANNUITIES.—

"(A) In the case of a child annuity payable under paragraph (1), upon the death of a surviving spouse or the termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse or child had not survived the retired participant.

"(B) In the case of a child annuity payable under paragraph (2), upon the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the retired participant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.

"(5) DEFINITION OF FORMER SPOUSE.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of the retired participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

"(e) COMMENCEMENT AND TERMINATION OF CHILD ANNUITIES.—

"(1) COMMENCEMENT.—An annuity payable to a child under subsection (d), or under section 232(c), shall begin on the day after the date on which the participant or retired participant dies or, in the case of an individual over the age of 18 who is not a child within the meaning of section 102(b), shall begin or resume on the first day of the month in which the individual later becomes or again becomes a student as described in section 102(b). Such annuity may not commence until any lump-sum that has been paid is returned to the fund.

"(2) TERMINATION.—Such an annuity shall terminate on the last day of the month before the month in which the recipient of the annuity dies or no longer qualifies as a child (as defined in section 102(b)).

"(f) PARTICIPANTS NOT MARRIED AT TIME OF RETIREMENT.—

"(1) DESIGNATION OF PERSONS WITH INSURABLE INTEREST.—

"(A) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under sections 221(b) and 222, at the time of retirement an unmarried participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subparagraph (B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system. The amount of such an annuity shall be equal to 55 percent of the participant's reduced annuity after the participant's death.

"(B) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

"(C) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

"(D) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this paragraph shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

"(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT MARRIAGE.—A participant who is unmarried at the time of retirement and who later marries may irrevocably elect, in a signed writing received by the Director within one year after the marriage, to receive a reduced annuity as provided in section 221(b). Such election and reduction shall be effective on the first day of the month beginning 9 months after the date of marriage. The election voids prospectively any election previously made under paragraph (1).

"(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

"(1) RECOMPUTATION OF RETIRED PARTICIPANT'S ANNUITY UPON DIVORCE.—An annuity which is reduced under this section (or any similar prior provision of law) to provide a survivor annuity for a spouse shall, if the marriage of the retired participant to such spouse is dissolved, be recomputed and paid for each full month during which a retired participant is not married (or is remarried if there is no election in effect under paragraph (2)) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor annuity under subsection (b) or (c) of section 222 or under section 226.

"(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT REMARRIAGE.—

"(A) IN GENERAL.—Upon remarriage, the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive a reduced annuity for the purpose of providing an annuity for the new spouse of the retired participant in the event such spouse survives the retired participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5) or elected under subparagraph (B)).

"(B) WHEN ANNUITY PREVIOUSLY NOT (OR NOT FULLY) REDUCED.—

"(i) ELECTION.—If the retired participant's annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement, the retired participant may make an election under the first sentence of subparagraph (A) upon remarriage to a spouse other than the spouse at the time of retirement. For any remarriage that occurred before August 14, 1991, the retired participant may make such an election within 2 years after such date.

"(ii) DEPOSIT REQUIRED.—

"(I) The retired participant shall, within one year after the date of the remarriage (or by August 14, 1993 for any remarriage that occurred before August 14, 1991), deposit in the fund an amount determined by the Director, as nearly as may be administratively feasible, to reflect the amount by which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced, plus interest.

"(II) The annual rate of interest for each year during which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent.

"(III) If the retired participant does not make the deposit, the Director shall collect such amount by offset against the participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the retired participant, and the retired participant is deemed to consent to such offset.

"(IV) The deposit required by this subparagraph may be made by the surviving spouse of the retired participant.

"(C) EFFECTS OF ELECTION.—An election under this paragraph and the reduction in the participant's annuity shall be effective on the first day of the month beginning 9 months after the date of remarriage. A survivor annuity elected under this paragraph shall be treated in all respects as a survivor annuity under subsection (b).

"(h) COORDINATION OF ANNUITIES.—

"(1) SURVIVING SPOUSE.—A surviving spouse whose survivor annuity was terminated because of remarriage before attaining age 55 shall not be entitled under subsection (b)(3)(C) to the restoration of that survivor annuity payable from the fund unless the surviving spouse elects to receive it instead of any other survivor annuity to which the surviving spouse may be entitled under the system or any other retirement system for Government employees by reason of the remarriage.

"(2) FORMER SPOUSE.—A surviving former spouse of a participant or retired participant

shall not become entitled under section 222(b) or 224 to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the surviving former spouse elects to receive it instead of any other survivor annuity to which the surviving former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(3) SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE.—A surviving spouse who married a participant after the participant's retirement shall be entitled to a survivor annuity payable from the fund only upon electing that annuity instead of any other survivor annuity to which the surviving spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the retired participant.

"(i) SUPPLEMENTAL SURVIVOR ANNUITIES.—

"(1) SPOUSE OF RECALLED ANNUITANT.—A married recalled annuitant who reverts to retired status with entitlement to a supplemental annuity under section 271(b) shall, unless the annuitant and the annuitant's spouse jointly elect in writing to the contrary at the time of reversion to retired status, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for the annuitant's spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant.

"(2) REGULATIONS.—The Director shall prescribe regulations to provide for the application of paragraph (1) of this subsection and of subsection (b) of section 271 in any case in which an annuitant has a former spouse who was married to the recalled annuitant at any time during the period of recall service and who qualifies for an annuity under section 222(b).

"(j) OFFSET OF ANNUITIES BY AMOUNT OF SOCIAL SECURITY BENEFIT.—Notwithstanding any other provision of this title, an annuity (including a disability annuity) payable under this title to an individual described in sections 211(d)(1) and 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced (except as provided in paragraph (2)) in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in that section.

"(k) INFORMATION FROM OTHER AGENCIES.—

"(1) OTHER AGENCIES.—For the purpose of ensuring the accuracy of the information used in the determination of eligibility for and the computation of annuities payable from the fund under this title, at the request of the Director—

"(A) the Secretary of Defense shall provide information on retired or retainer pay paid under title 10, United States Code;

"(B) the Secretary of Veterans Affairs shall provide information on pensions or compensation paid under title 38, United States Code;

"(C) the Secretary of Health and Human Services shall provide information contained in the records of the Social Security Administration; and

"(D) the Secretary of Labor shall provide information on benefits paid under subchapter I of chapter 81 of title 5, United States Code.

"(2) LIMITATION ON INFORMATION REQUESTED.—The Director shall request only such information as the Director determines is necessary.

"(3) LIMITATION ON USES OF INFORMATION.—The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this subsection is used only for the purposes authorized.

"(l) INFORMATION ON RIGHTS UNDER THE SYSTEM.—The Director shall, on an annual basis—

"(1) inform each retired participant of the participant's right of election under subsections (c), (f)(2), and (g); and

"(2) to the maximum extent practicable, inform spouses and former spouses of participants, former participants, and retired participants of their rights under this Act.

"SEC. 222. ANNUITIES FOR FORMER SPOUSES.

"(a) FORMER SPOUSE SHARE OF PARTICIPANT'S ANNUITY.—

"(1) PRO RATA SHARE.—Unless otherwise expressly provided by a spousal agreement or court order under section 264(b), a former spouse of a participant, former participant, or retired participant is entitled to an annuity—

"(A) if married to the participant, former participant, or retired participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(B) if not married to the participant throughout such creditable service, equal to that proportion of 50 percent of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

"(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse is not qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

"(3) COMMENCEMENT OF ANNUITY.—The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first day of the month after the divorce or annulment involved becomes final, whichever is later.

"(4) TERMINATION OF ANNUITY.—The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the month in which the former spouse dies or remarries before 55 years of age; or

"(B) the date on which the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

"(5) TREATMENT OF PARTICIPANT'S ANNUITY.—

"(A) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse, or other survivor under this title; and

"(ii) any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or under section 221(b).

"(B) TREATMENT WHEN ANNUITANT RETURNS TO SERVICE.—If an annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

"(6) DISABILITY ANNUITANT.—Notwithstanding paragraph (3), in the case of a former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than a disability annuity) or the date on which the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(7) ELECTION OF BENEFITS.—A former spouse of a participant, former participant, or retired participant shall not become entitled under this subsection to an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(8) LIMITATION IN CASE OF MULTIPLE FORMER SPOUSE ANNUITIES.—No spousal agreement or court order under section 264(b) involving a participant may provide for an annuity or a combination of annuities under this subsection that exceeds the annuity of the participant.

"(b) FORMER SPOUSE SURVIVOR ANNUITY.—

"(1) PRO RATA SHARE.—Subject to any election under section 221(b)(1)(B) and (C) and unless otherwise expressly provided by a spousal agreement or court order under section 264(b), if an annuitant is survived by a former spouse, the former spouse shall be entitled—

"(A) if married to the annuitant throughout the creditable service of the annuitant, to a survivor annuity equal to 55 percent of the unreduced amount of the annuitant's annuity, as computed under section 221(a); and

"(B) if not married to the annuitant throughout such creditable service, to a survivor annuity equal to that proportion of 55 percent of the unreduced amount of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

"(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

"(3) COMMENCEMENT, TERMINATION, AND RESTORATION OF ANNUITY.—An annuity payable from the fund under this title to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(4) SURVIVOR ANNUITY AMOUNT.—

"(A) MAXIMUM AMOUNT.—The maximum survivor annuity or combination of survivor annuities under this subsection (and section 221(b)(3)) with respect to any participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

"(B) LIMITATION ON OTHER SURVIVOR ANNUITIES BASED ON SERVICE OF SAME PARTICIPANT.—Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to the participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

"(C) FINALITY OF COURT ORDER UPON DEATH OF PARTICIPANT.—After the death of a participant or retired participant, a court order under section 264(b) may not adjust the amount of the annuity of a former spouse of that participant or retired participant under this section.

"(5) EFFECT OF TERMINATION OF FORMER SPOUSE ENTITLEMENT.—

"(A) RECOMPUTATION OF PARTICIPANT'S ANNUITY.—If a former spouse of a retired participant dies or remarries before attaining age 55, the annuity of the retired participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid, effective on the first day of the month beginning after such death or remarriage, as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) ELECTION OF SPOUSE ANNUITY.—Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

"(c) OPTIONAL ADDITIONAL SURVIVOR ANNUITIES FOR OTHER FORMER SPOUSE OR SURVIVING SPOUSE.—

"(1) IN GENERAL.—In the case of any participant providing a survivor annuity under subsection (b) for a former spouse—

"(A) such participant may elect, or

"(B) a spousal agreement or court order under section 264(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

"(2) LIMITATION.—Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, may exceed 55 percent of the unreduced amount of the participant's annuity, as computed under section 221(a).

"(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

"(A) PROVISION OF ADDITIONAL SURVIVOR ANNUITY.—In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

"(i) by a reduction in the annuity or an allotment from the basic pay of the participant;

"(ii) by a lump-sum payment or installment payments to the fund; or

"(iii) by any combination thereof.

"(B) ACTUARIAL EQUIVALENCE TO BENEFIT.—The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

"(C) EFFECT OF FORMER SPOUSE'S DEATH OR DISQUALIFICATION.—If a former spouse predeceases the participant or remarries before attaining age 55 (or, in the case of a spouse, the spouse predeceases or does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or pay allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the pay allotment terminated, as the case may be; and

"(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

"(D) RECOMPUTATION UPON DEATH OR REMARRIAGE OF FORMER SPOUSE.—Under regulations prescribed by the Director, an annuity shall be recomputed (or a pay allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 55 and an increased annuity is provided for that spouse in accordance with this section.

"(4) COMMENCEMENT AND TERMINATION OF ADDITIONAL SURVIVOR ANNUITY.—An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55.

"(5) NONAPPLICABILITY OF COLA PROVISION.—Section 291 does not apply to an annuity under this subsection, unless authorized under regulations prescribed by the Director.

"SEC. 223. ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES DIVORCED AS OF NOVEMBER 15, 1982.

"(a) FORMER SPOUSES AS OF NOVEMBER 15, 1982.—A participant, former participant, or retired participant in the system who on November 15, 1982, had a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 222(b).

"(b) TIME FOR MAKING ELECTION.—

"(1) If the participant or former participant has not retired under such system on or before November 15, 1982, an election under this section may be made at any time before retirement.

"(2) If the participant or former participant has retired under such system on or before November 15, 1982, an election under this section may be made within such period after November 15, 1982, as the Director may prescribe.

"(3) For the purposes of applying this title, any such election shall be treated in the same manner as if it were a spousal agreement under section 264(b).

"(c) BASE FOR ANNUITY.—An election under this section may provide for a survivor annuity based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for a survivor annuity for a spouse or any other former spouse of the participant. The participant and the participant's spouse may make an election under section 221(b)(1)(B) before the time of retirement for the purpose of allowing an election to be made under this section.

"(d) REDUCTION IN PARTICIPANT'S ANNUITY.—

"(1) COMPUTATION.—The amount of the reduction in the participant's annuity shall be determined in accordance with section 221(b)(2).

"(2) EFFECTIVE DATE OF REDUCTION.—Such reduction shall be effective as of—

"(A) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1); or

"(B) November 15, 1982, in the case of an election under subsection (b)(2).

"SEC. 224. SURVIVOR ANNUITY FOR CERTAIN OTHER FORMER SPOUSES.

"(a) SURVIVOR ANNUITY.—

"(1) IN GENERAL.—An individual who was a former spouse of a participant or retired participant on November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

"(A) the unreduced amount of the participant's or retired participant's annuity, as computed under section 221(a); or

"(B) the unreduced amount of what such annuity as so computed would be if the participant, former participant, or retired participant had not elected payment of the lump-sum credit under section 294.

"(2) REDUCTION IN SURVIVOR ANNUITY.—A survivor annuity payable under this section shall be reduced by an amount equal to any survivor annuity payments made to the former spouse under section 223.

"(b) LIMITATIONS.—A former spouse is not entitled to a survivor annuity under this section if—

"(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(2) the former spouse is less than 50 years of age.

"(c) COMMENCEMENT AND TERMINATION OF ANNUITY.—

"(1) COMMENCEMENT OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section shall commence—

"(A) in the case of a former spouse of a participant or retired participant who is deceased as of October 1, 1986, beginning on the later of—

"(i) the 60th day after such date; or

"(ii) the date on which the former spouse reaches age 50; and

"(B) in the case of any other former spouse, beginning on the latest of—

"(i) the date on which the participant or former participant to whom the former spouse was married dies;

"(ii) the 60th day after October 1, 1986; or

"(iii) the date on which the former spouse attains age 50.

"(2) TERMINATION OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section terminates on the last day of the month before the former spouse's death or remarriage before attaining age 55. The entitlement of a former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce.

"(d) APPLICATION.—

"(1) TIME LIMIT; WAIVER.—A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require. Any such application shall be submitted not later than April 1, 1989. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

"(2) RETROACTIVE BENEFITS.—Upon approval of an application provided under paragraph (1), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before October 1, 1986.

"(e) RESTORATION OF ANNUITY.—Notwithstanding subsection (d)(1), the deadline by which an application for a survivor annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(2).

"SEC. 225. RETIREMENT ANNUITY FOR CERTAIN FORMER SPOUSES.

"(a) RETIREMENT ANNUITY.—An individual who was a former spouse of a participant, former participant, or retired participant on November 15, 1982, and any former spouse divorced after November 15, 1982, from a participant or former participant who retired before November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to an annuity—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

"(b) LIMITATIONS.—A former spouse is not entitled to an annuity under this section if—

"(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(2) the former spouse is less than 50 years of age.

"(c) COMMENCEMENT AND TERMINATION.—

"(1) RETIREMENT ANNUITIES.—The entitlement of a former spouse to an annuity under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service the right to the annuity is based becomes entitled to an annuity under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's 50th birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(ii) the date on which the annuity of the participant terminates.

"(2) DISABILITY ANNUITIES.—Notwithstanding paragraph (1)(A)(i), in the case of a former spouse of a disability annuitant—

"(A) the annuity of the former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(3) ELECTION OF BENEFITS.—A former spouse of a participant or retired participant shall not become entitled under this section to an annuity or to the restoration of an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(4) APPLICATION.—

"(A) TIME LIMIT; WAIVER.—An annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, not later than June 2, 1991. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

"(B) RETROACTIVE BENEFITS.—Upon approval of an application under subparagraph (A), the appropriate annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to an annuity under this section, but in no event shall an annuity be payable under this section with respect to any period before December 2, 1987.

"(d) RESTORATION OF ANNUITIES.—Notwithstanding subsection (c)(4)(A), the deadline by which an application for a retirement annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such annuity is restored under subsection (b)(1) or (c)(1)(B).

"(e) SAVINGS PROVISION.—Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title.

"SEC. 226. SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.

"The Director shall prescribe regulations under which a previous spouse who is divorced after September 29, 1988, from a participant, former participant, or retired participant shall be eligible for a survivor annuity to the same extent and, to the greatest extent practicable, under the same conditions (including reductions to be made in the annuity of the participant) applicable to former spouses (as defined in section 8331(23) of title 5, United States Code) of participants in the Civil Service Retirement and Disability System (CSRS) as prescribed by the Civil Service Retirement Spouse Equity Act of 1984.

"Part D—Benefits Accruing to Certain Participants

"SEC. 231. RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY.

"(a) DISABILITY RETIREMENT.—

"(1) ELIGIBILITY.—A participant who has become disabled shall, upon the participant's own application or upon order of the Director, be retired on an annuity computed under subsection (b).

"(2) STANDARD FOR DISABILITY DETERMINATION.—A participant shall be considered to be disabled only if the participant—

"(A) is found by the Director to be unable, because of disease or injury, to render useful and efficient service in the participant's position; and

"(B) is not qualified for reassignment, under procedures prescribed by the Director, to a vacant position in the Agency at the same grade or level and in which the participant would be able to render useful and efficient service.

"(3) TIME LIMIT FOR APPLICATION.—

"(A) ONE YEAR REQUIREMENT.—A claim may be allowed under this section only if the application is submitted before the participant is separated from the Agency or within one year thereafter.

"(B) WAIVER FOR MENTALLY INCOMPETENT PARTICIPANT.—The time limitation may be waived by the Director for a participant who, at the date of separation from the Agency or within one year thereafter, is mentally incompetent, if the application is filed with the Agency within one year from the date of restoration of the participant to competency or the appointment of a fiduciary, whichever is earlier.

"(b) COMPUTATION OF DISABILITY ANNUITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an annuity payable under subsection (a) shall be computed under section 221(a). However, if the disabled or incapacitated participant has less than 20 years of service credit toward retirement under the system at the time of retirement, the annuity shall be computed on the assumption that the participant has had 20 years of service, but the additional service credit that may accrue to a participant under this paragraph may not exceed the difference between the participant's age at the time of retirement and age 60.

"(2) COORDINATION WITH MILITARY RETIRED PAY AND VETERANS' COMPENSATION AND PENSION.—If a participant retiring under this section is receiving retired pay or retainer pay for military service (except that specified in section 252(e)(3)) or Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, the annuity of that participant shall be computed under section 221(a), excluding credit for such military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in section 5532 of title 5, United States Code, or the Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, is less than the annuity that would be payable under this section in the absence of the previous sentence, an amount equal to the difference shall be added to the annuity payable under section 221(a).

"(c) MEDICAL EXAMINATIONS.—

"(1) MEDICAL REEXAMINATION REQUIRED FOR DETERMINATION OF DISABILITY.—In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons.

"(2) ANNUAL REEXAMINATIONS UNTIL AGE 60.—Unless the disability is permanent, like examinations shall be made annually until the annuitant becomes age 60. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that the annuitant can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date the annuitant's recovery is determined.

"(3) REINSTATEMENT.—Upon application, the Director may reinstate any such recovered disability annuitant in the grade held at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of the annuitant's contemporaries in the Agency, appoint the annuitant to a grade higher than the one held before retirement.

"(4) TERMINATION OF DISABILITY ANNUITY.—Payment of the annuity shall continue until a date one year after the date of examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier.

"(5) PAYMENT OF FEES.—Fees for examinations under this subsection, together with reasonable traveling and other expenses incurred in order to submit to examination, may be paid out of the fund.

"(6) SUSPENSION OF ANNUITY PENDING REQUIRED EXAMINATION.—If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

"(7) TERMINATION OF ANNUITY UPON RESTORATION OF EARNING CAPACITY.—If the annuitant receiving a disability retirement annuity is restored to earning capacity before becoming age 60, payment of the annuity terminates on reemployment by the Government or 180 days after the end of the calendar year in which earning capacity is restored, whichever is earlier. Earning capacity shall be considered to be restored if in any calendar year the income of the annuitant from wages or self-employment, or both, equals at least 80 percent of the current rate of pay for the grade and step the annuitant held at the time of retirement.

"(d) TREATMENT OF RECOVERED DISABILITY ANNUITANT WHO IS NOT REINSTATED.—

"(1) SEPARATION.—If a recovered or restored disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, the annuitant shall be considered, except for service credit, to have been separated within the meaning of section 234 as of the date of termination of the disability annuity.

"(2) RETIREMENT.—After such termination, the recovered or restored annuitant shall be en-

titled to the benefits of section 234 or 241(b), except that the annuitant may elect voluntary retirement under section 233, if qualified thereunder, or may be placed by the Director in an involuntary retirement status under section 235(a), if qualified thereunder. Retirement rights under this paragraph shall be based on the provisions of this title in effect as of the date on which the disability annuity is discontinued.

"(3) FURTHER DISABILITY BEFORE AGE 62.—If, based on a current medical examination, the Director determines that a recovered annuitant has, before reaching age 62, again become totally disabled due to recurrence of the disability for which the annuitant was originally retired, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the date of such medical examination. If a restored-to-earning-capacity annuitant has not medically recovered from the disability for which retired and establishes to the Director's satisfaction that the annuitant's income from wages and self-employment in any calendar year before reaching age 62 was less than 80 percent of the rate of pay for the grade and step the annuitant held at the time of retirement, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the first of the next following year. If the annuitant has been allowed an involuntary or voluntary retirement annuity in the meantime, the annuitant's reinstated disability annuity shall be substituted for it unless the annuitant elects to retain the former benefit.

"(e) COORDINATION OF BENEFITS.—

"(1) WORKERS' COMPENSATION.—A participant is not entitled to receive for the same period of time—

"(A) an annuity under this title, and

"(B) compensation for injury to, or disability of, such participant under subchapter I of chapter 81 of title 5, United States Code, other than compensation payable under section 8107 of such title.

"(2) SURVIVOR ANNUITIES.—An individual is not entitled to receive an annuity under this title and a concurrent benefit under subchapter I of chapter 81 of title 5, United States Code, on account of the death of the same person.

"(3) GREATER BENEFIT.—Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this title or subchapter I of chapter 81 of title 5, United States Code.

"(f) OFFSET FROM SURVIVOR ANNUITY FOR WORKERS' COMPENSATION PAYMENT.—

"(1) REFUND TO DEPARTMENT OF LABOR.—If an individual is entitled to an annuity under this title and the individual receives a lump-sum payment for compensation under section 8135 of title 5, United States Code, based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Secretary of Labor, shall be refunded to the Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(A) refund to the Secretary of Labor the amount representing the commuted compensation payments for the extended period; or

"(B) authorize the deduction of the amount from the annuity.

"(2) SOURCE OF DEDUCTION.—Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Secretary for reimbursement to the Employees' Compensation Fund.

"(3) PRORATING DEDUCTION.—If the Secretary finds that the financial circumstances of an individual entitled to an annuity under this title warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Secretary determines appropriate.

"SEC. 232. DEATH IN SERVICE.

"(a) RETURN OF CONTRIBUTIONS WHEN NO ANNUITY PAYABLE.—If a participant dies and no claim for an annuity is payable under this title, the participant's lump-sum credit and any voluntary contributions made under section 281, with interest, shall be paid in the order of precedence shown in section 241(c).

"(b) SURVIVOR ANNUITY FOR SURVIVING SPOUSE OR FORMER SPOUSE.—

"(1) IN GENERAL.—If a participant dies before separation or retirement from the Agency and is survived by a spouse or by a former spouse qualifying for a survivor annuity under section 222(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this title. The annuity of such surviving spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 221(b)(3)(C), 221(h), and 222(b)(3)).

"(2) COMPUTATION.—The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

"(3) LIMITATION.—Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a surviving spouse under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).

"(4) PRECEDENCE OF SECTION 224 SURVIVOR ANNUITY OVER DEATH-IN-SERVICE ANNUITY.—If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 222, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 224.

"(c) ANNUITIES FOR SURVIVING CHILDREN.—

"(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

"(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

"(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

"(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

"(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

"(B) if the participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

"(3) FORMER SPOUSE DEFINED.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

"SEC. 233. VOLUNTARY RETIREMENT.

"A participant who is at least 50 years of age and has completed 20 years of service may, on the participant's application and with the consent of the Director, be retired from the Agency and receive benefits in accordance with the provisions of section 221 if the participant has not less than 10 years of service with the Agency.

"SEC. 234. DISCONTINUED SERVICE BENEFITS.

"(a) DEFERRED ANNUITY.—A participant who separates from the Agency may, upon separation or at any time before the commencement of an annuity under this title, elect—

"(1) to have the participant's contributions to the fund returned to the participant in accordance with section 241(a); or

"(2) except in a case in which the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States, to leave the contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at age 62.

"(b) REFUND OF CONTRIBUTIONS IF FORMER PARTICIPANT DIES BEFORE AGE 62.—If a participant who qualifies under subsection (a) to receive a deferred annuity commencing at age 62 dies before reaching age 62, the participant's contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

"SEC. 235. MANDATORY RETIREMENT.

"(a) INVOLUNTARY RETIREMENT.—

"(1) AUTHORITY OF DIRECTOR.—The Director may, in the Director's discretion, place in a retired status any participant in the system described in paragraph (2).

"(2) Paragraph (1) applies with respect to any participant who has not less than 10 years of service with the Agency and who—

"(A) has completed at least 25 years of service; or

"(B) is at least 50 years of age and has completed at least 20 years of service.

"(b) MANDATORY RETIREMENT FOR AGE.—

"(1) IN GENERAL.—A participant in the system shall be automatically retired from the Agency—

"(A) upon reaching age 65, in the case of a participant in the system receiving compensation under the Senior Intelligence Service pay schedule at the rate of level 4 or above; and

"(B) upon reaching age 60, in the case of any other participant in the system.

"(2) EFFECTIVE DATE OF RETIREMENT.—Retirement under paragraph (1) shall be effective on the last day of the month in which the participant reaches the age applicable to that participant under that paragraph.

"(3) AUTHORITY FOR EXTENSION.—In any case in which the Director determines it to be in the public interest, the Director may extend the mandatory retirement date for a participant under this subsection by a period of not to exceed 5 years.

"(c) RETIREMENT BENEFITS.—A participant retired under this section shall receive retirement benefits in accordance with section 221.

"SEC. 236. ELIGIBILITY FOR ANNUITY.

"(a) ONE-OUT-OF-TWO REQUIREMENT.—A participant must complete, within the last two years before any separation from service (except a separation because of death or disability) at

least one year of creditable civilian service during which the participant is subject to this title and in a pay status before the participant or the participant's survivors are eligible for an annuity under this title based on that separation.

"(b) REFUND OF CONTRIBUTIONS FOR TIME NOT ALLOWED FOR CREDIT.—If a participant (other than a participant separated from the service because of death or disability) fails to meet the service and pay status requirement of subsection (a), any amounts deducted from the participant's pay during the period for which no eligibility is established based on the separation shall be returned to the participant on the separation.

"(c) EXCEPTION.—Failure to meet the service and pay status requirement of subsection (a) shall not deprive the participant or the participant's survivors of any annuity to which they may be entitled under this title based on a previous separation.

"Part E—Lump Sum Payments

"SEC. 241. LUMP-SUM PAYMENTS.

"(a) ENTITLEMENT TO LUMP-SUM CREDIT.—Subject to section 252(d) and subsection (b) of this section, a participant who—

"(1) is separated from the Agency for at least 31 consecutive days and is not transferred to employment covered by another retirement system for Government employees;

"(2) files an application with the Director for payment of the lump-sum credit;

"(3) is not reemployed in a position in which the participant is subject to this title at the time the participant files the application; and

"(4) will not become eligible to receive an annuity under this title within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Receipt of the payment of the lump-sum credit by the former participant voids all annuity rights under this title based on the service on which the lump-sum credit is based, until the former participant is reemployed in service subject to this title.

"(b) CONDITIONS FOR PAYMENT OF LUMP-SUM CREDIT.—

"(1) IN GENERAL.—Whenever a former participant becomes entitled to receive payment of the lump-sum credit under subsection (a), such lump-sum credit shall be paid to the former participant and to any former spouse or former wife or husband of the former participant in accordance with paragraphs (2) through (4). The former participant's lump-sum credit shall be reduced by the amount of the lump-sum credit payable to any former spouse or former wife or husband.

"(2) PRO RATA SHARE FOR FORMER SPOUSE.—Unless otherwise expressly provided by any spousal agreement or court order under section 264(b), a former spouse of the former participant shall be entitled to receive a share of such participant's lump-sum credit—

"(A) if married to the participant throughout the period of creditable service of the participant, equal to 50 percent of such lump-sum credit; or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such lump-sum credit which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant bears to the total number of days of such creditable service.

"(3) SHARE FOR FORMER WIFE OR HUSBAND.—Payment of the former participant's lump-sum credit shall be subject to the terms of a court order under section 264(c) concerning any former wife or husband of the former participant if—

"(A) the court order expressly relates to any portion of such lump-sum credit; and

"(B) payment of the lump-sum credit would extinguish entitlement of such former wife or husband to a survivor annuity under section 226 or to any portion of the participant's annuity under section 264(c).

"(4) NOTIFICATION.—A lump-sum credit may be paid to or for the benefit of a former participant—

"(A) only upon written notification to (i) the current spouse, if any, (ii) any former spouse, and (iii) any former wife or husband who has a court order covered by paragraph (3); and

"(B) only if the express written concurrence of the current spouse has been received by the Director.

This paragraph may be waived under circumstances described in section 221(b)(1)(D).

"(c) ORDER OF PRECEDENCE OF PAYMENT.—A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d) shall be paid in the following order of precedence to individuals surviving the participant and alive on the date entitlement to the payment arises, upon establishment of a valid claim therefor, and such payment bars recovery by any other individual:

"(1) To the beneficiary or beneficiaries designated by such participant in a signed and witnessed writing received by the Director before the participant's death. For this purpose, a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed with the Director shall have no force or effect.

"(2) If there is no designated beneficiary, to the surviving wife or husband of such participant.

"(3) If none of the above, to the child or children of such participant and descendent of deceased children by representation.

"(4) If none of the above, to the parents of such participant or the survivor of them.

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant.

"(6) If none of the above, to such other next of kin of such participant as the Director determines to be legally entitled to such payment.

"(d) DEATH OF FORMER PARTICIPANT BEFORE RETIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a former participant eligible for a deferred annuity under section 234 dies before reaching age 62, such former participant's lump-sum credit shall be paid in accordance with subsection (c).

"(2) LIMITATION.—In any case where there is a surviving former spouse or surviving former wife or husband of such participant who is entitled to a share of such participant's lump-sum credit under paragraphs (2) and (3) of subsection (b), the lump-sum credit payable under paragraph (1) shall be reduced by the lump-sum credit payable to such former spouse or former wife or husband.

"(e) TERMINATION OF ALL ANNUITY RIGHTS.—If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in accordance with subsection (c).

"(f) TERMINATION OF SURVIVOR ANNUITY.—An annuity accrued and unpaid on the termination, except by death, of the annuity of a survivor annuitant shall be paid to that individual. An annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other individual:

"(1) To the duly appointed executor or administrator of the estate of the survivor annuitant.

"(2) If there is no executor or administrator, to such next of kin of the survivor annuitant as the Director determines to be legally entitled to such payment, except that no payment shall be made under this paragraph until after the expiration of 30 days from the date of death of the survivor annuitant.

"Part F—Period of Service for Annuities

"SEC. 251. COMPUTATION OF LENGTH OF SERVICE.

"(a) IN GENERAL.—

"(1) CREDITING SERVICE AS PARTICIPANT.—For the purposes of this title, the period of service of a participant shall be computed from the date on which the participant becomes a participant under this title.

"(2) EXCLUSION OF CERTAIN PERIODS.—In computing the period of service of a participant, all periods of separation from the Agency and so much of any leave of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under chapter 81 of title 5, United States Code, and leaves of absence granted participants while performing active and honorable service in the Armed Forces.

"(3) CREDITING CERTAIN PERIODS OF SEPARATION.—A participant or former participant who returns to Government duty after a period of separation shall have included in the participant or former participant's period of service that part of the period of separation in which the participant or former participant was receiving benefits under chapter 81 of title 5, United States Code.

"(b) EXTRA CREDIT FOR PERIODS SERVED AT UNHEALTHFUL POSTS OVERSEAS.—

"(1) CLASSIFICATION OF CERTAIN POSTS AS UNHEALTHFUL.—The Director may from time to time establish a list of places outside the United States that, by reason of climatic or other extreme conditions, are to be classed as unhealthful posts. Such list shall be established in consultation with the Secretary of State.

"(2) EXTRA CREDIT.—Each year of duty at a post on the list established under paragraph (1), inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this title for the purpose of retirement. In computing such service, any fractional month shall be treated as a full month.

"(3) COORDINATION WITH BENEFITS UNDER TITLE 5.—Extra credit for service at an unhealthful post may not be credited to a participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for the same service.

"SEC. 252. PRIOR SERVICE CREDIT.

"(a) IN GENERAL.—A participant may, subject to the provisions of this section, include in the participant's period of service—

"(1) civilian service in the Government before becoming a participant that would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code (as determined under section 8332(b) of such title); and

"(2) honorable active service in the Armed Forces before the date of the separation upon which eligibility for an annuity is based, or honorable active service in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or as a commissioned officer of the National Oceanic and Atmospheric Administration after June 30, 1961.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the total service of any participant shall exclude—

"(A) any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made,

"(B) any period of service for which a refund of contributions has been made, or

"(C) any period of service for which contributions were not transferred pursuant to subsection (c)(1);

unless the participant makes a deposit to the fund in an amount equal to the percentages of basic pay received for such service as specified in the table contained in section 8334(c) of title 5, United States Code, together with interest computed in accordance with section 8334(e) of such title. The deposit may be made in one or more installments (including by allotment from pay), as determined by the Director.

"(2) EFFECT OF RETIREMENT DEDUCTIONS NOT MADE.—If a participant has not paid a deposit for civilian service performed before October 1, 1982, for which retirement deductions were not made, such participant's annuity shall be reduced by 10 percent of the deposit described in paragraph (1) remaining unpaid, unless the participant elects to eliminate the service involved for the purpose of the annuity computation.

"(3) EFFECT OF REFUND OF RETIREMENT CONTRIBUTIONS.—A participant who received a refund of retirement contributions under this or any other retirement system for Government employees covering service for which the participant may be allowed credit under this title may deposit the amount received, with interest computed under paragraph (1). Credit may not be allowed for the service covered by the refund until the deposit is made, except that a participant who—

"(A) separated from Government service before October 1, 1990, and received a refund of the participant's retirement contributions covering a period of service ending before October 1, 1990;

"(B) is entitled to an annuity under this title (other than a disability annuity) which commences after December 1, 1992; and

"(C) does not make the deposit required to receive credit for the service covered by the refund;

shall be entitled to an annuity actuarially reduced in accordance with section 8334(d)(2)(B) of title 5, United States Code.

"(4) ENTITLEMENT UNDER ANOTHER SYSTEM.—Credit toward retirement under the system shall not be allowed for any period of civilian service on the basis of which the participant is receiving (or will in the future be entitled to receive) an annuity under another retirement system for Government employees, unless the right to such annuity is waived and a deposit is made under paragraph (1) covering that period of service, or a transfer is made pursuant to subsection (c).

"(c) TRANSFER FROM OTHER GOVERNMENT RETIREMENT SYSTEMS.—

"(1) IN GENERAL.—If an employee who is under another retirement system for Government employees becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) under such retirement system on behalf of the employee as well as such employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the employee's credit in the fund effective as of the date such employee becomes a participant in the system.

"(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered before becoming a participant in the system.

"(3) ADDITIONAL CONTRIBUTIONS; REFUNDS.—A participant whose contributions are transferred pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 8334(c) of title 5, United States Code, for contributions to the fund.

"(d) TRANSFER TO OTHER GOVERNMENT RETIREMENT SYSTEMS.—

"(1) IN GENERAL.—If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) to the fund on the participant's behalf as well as the participant's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the participant's credit in the fund of such other retirement system effective as of the date on which the participant becomes eligible to participate in such other retirement system.

"(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered before the participant's becoming eligible for participation in that other system.

"(e) PRIOR MILITARY SERVICE CREDIT.—

"(1) APPLICATION TO OBTAIN CREDIT.—If a deposit required to obtain credit for prior military service described in subsection (a)(2) was not made to another Government retirement fund and transferred under subsection (c)(1), the participant may obtain credit for such military service, subject to the provisions of this subsection and subsections (f) through (h), by applying for it to the Director before retirement or separation from the Agency.

"(2) EMPLOYMENT STARTING BEFORE, ON, OR AFTER OCTOBER 1, 1982.—Except as provided in paragraph (3)—

"(A) the service of a participant who first became a Federal employee before October 1, 1982, shall include credit for each period of military service performed before the date of separation on which entitlement to an annuity under this title is based, subject to section 252(f); and

"(B) the service of a participant who first becomes a Federal employee on or after October 1, 1982, shall include credit for—

"(i) each period of military service performed before January 1, 1957, and

"(ii) each period of military service performed after December 31, 1956, and before the separation on which entitlement to an annuity under this title is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in subsection (h).

"(3) EFFECT OF RECEIPT OF MILITARY RETIRED PAY.—In the case of a participant who is entitled to retired pay based on a period of military service, the participant's service may not include credit for such period of military service unless the retired pay is paid—

"(A) on account of a service-connected disability—

"(i) incurred in combat with an enemy of the United States; or

"(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in section 1101 of title 38, United States Code); or

"(B) under chapter 67 of title 10, United States Code.

"(4) SURVIVOR ANNUITY.—Notwithstanding paragraph (3), the survivor annuity of a survivor of a participant—

"(A) who was awarded retired pay based on any period of military service, and

"(B) whose death occurs before separation from the Agency,

shall be computed in accordance with section 8332(c)(3) of title 5, United States Code.

"(f) EFFECT OF ENTITLEMENT TO SOCIAL SECURITY BENEFITS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section (except paragraph (3) of this subsection) or section 253, any military service (other than military service covered by military leave with pay from a civilian position) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service on which an annuity payable under this title to such participant or to the participant's spouse, former spouse, previous spouse, or child is based, if such participant, spouse, former spouse, previous spouse, or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors' insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402), based on such participant's wages and self-employment income. If the military service is not excluded under the preceding sentence, but upon attaining age 62, the participant or spouse, former spouse, or previous spouse becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service on which the annuity is based shall be redetermined, effective as of the first day of the month in which the participant or spouse, former spouse, or previous spouse attains age 62, so as to exclude such service.

"(2) LIMITATION.—The provisions of paragraph (1) relating to credit for military service do not apply to—

"(A) any period of military service of a participant with respect to which the participant has made a deposit with interest, if any, under subsection (h); or

"(B) the military service of any participant described in subsection (e)(2)(B).

"(3) EFFECT OF ENTITLEMENT BEFORE SEPTEMBER 8, 1982.—(A) The annuity recomputation required by paragraph (1) shall not apply to any participant who was entitled to an annuity under this title on or before September 8, 1982, or who is entitled to a deferred annuity based on separation from the Agency occurring on or before such date. Instead of an annuity recomputation, the annuity of such participant shall be reduced at age 62 by an amount equal to a fraction of the participant's old-age or survivors' insurance benefits under section 202 of the Social Security Act. The reduction shall be determined by multiplying the participant's monthly Social Security benefit by a fraction, the numerator of which is the participant's total military wages and deemed additional wages (within the meaning of section 229 of the Social Security Act (42 U.S.C. 429)) that were subject to Social Security deductions and the denominator of which is the total of all the participant's wages, including military wages, and all self-employment income that were subject to Social Security deductions before the calendar year in which the determination month occurs.

"(B) The reduction determined in accordance with subparagraph (A) shall not be greater than the reduction that would be required under paragraph (1) if such paragraph applied to the participant. The new formula shall be applicable to any annuity payment payable after October 1, 1982, including annuity payments to participants who had previously reached age 62 and whose annuities had already been recomputed.

"(C) For purposes of this paragraph, the term 'determination month' means—

"(i) the first month for which the participant is entitled to old-age or survivors' insurance benefits (or would be entitled to such benefits upon application therefor); or

"(ii) October 1982, in the case of any participant entitled to such benefits for that month.

"(g) DEPOSITS PAID BY SURVIVORS.—For the purpose of survivor annuities, deposits authorized by subsections (b) and (h) may also be made by the survivor of a participant.

"(h) DEPOSITS FOR PERIODS OF MILITARY SERVICE.—

"(1) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or, if the Director determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

"(2) Any deposit made under paragraph (1) more than two years after the later of—

"(A) October 1, 1983, or

"(B) the date on which the participant making the deposit first becomes an employee of the Federal Government,

shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e) of title 5, United States Code.

"(3) Any payment received by the Director under this subsection shall be deposited in the Treasury of the United States to the credit of the fund.

"(4) The provisions of section 221(k) shall apply with respect to such information as the Director determines to be necessary for the administration of this subsection in the same manner that such section applies concerning information described in that section.

"SEC. 253. CREDIT FOR SERVICE WHILE ON MILITARY LEAVE.

"(a) GENERAL RULE.—A participant who, during the period of any war or of any national emergency as proclaimed by the President or declared by the Congress, leaves the participant's position in the Agency to enter military service shall not be considered, for purposes of this title, as separated from the participant's position in the Agency by reason of such military service, less the participant applies for and receives a refund of contributions under this title. Such a participant may not be considered as retaining such position in the Agency after December 31, 1956, or upon the expiration of five years of such military service, whichever is later.

"(b) WAIVER OF CONTRIBUTIONS.—Except to the extent provided under section 252(e) or 252(h), contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active service in the Armed Forces.

"Part G—Moneys

"SEC. 261. ESTIMATE OF APPROPRIATIONS NEEDED.

"(a) ESTIMATES OF ANNUAL APPROPRIATIONS.—The Director shall prepare the estimates of the annual appropriations required to be made to the fund.

"(b) ACTUARIAL VALUATIONS.—The Director shall cause to be made actuarial valuations of the fund at such intervals as the Director determines to be necessary, but not less often than every five years.

"(c) CHANGES IN LAW AFFECTING ACTUARIAL STATUS OF FUND.—Any statute which authorizes—

"(1) new or increased benefits payable from the fund under this title, including annuity increases other than under section 291;

"(2) extension of the coverage of this title to new groups of employees; or

"(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the fund in order to provide funding for the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the system and with the first payment thereof due as of the end of the fiscal year in which such new or liberalized benefit, extension of coverage, or increase in pay is effective.

"(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the fund for each fiscal year such amounts as may be necessary to meet the amount of normal cost for each year that is not met by contributions under section 211(a).

"(e) UNFUNDED LIABILITY; CREDIT ALLOWED FOR MILITARY SERVICE.—There is hereby authorized to be appropriated to the fund for each fiscal year such sums as may be necessary to provide the amount equivalent to—

"(1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the system; and

"(2) that portion of disbursement for annuities for that year that the Director estimates is attributable to credit allowed for military service,

less an amount determined by the Director to be appropriate to reflect the value of the deposits made to the credit of the fund under section 252(h).

"SEC. 262. INVESTMENT OF MONEYS IN THE FUND.

"The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in the Director's judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances from the fund. The income derived from such investments shall be credited to and constitute a part of the fund.

"SEC. 263. PAYMENT OF BENEFITS.

"(a) ANNUITIES STATED AS ANNUAL AMOUNTS.—Each annuity is stated as an annual amount, 1/12 of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

"(b) COMMENCEMENT OF ANNUITY.—

"(1) COMMENCEMENT OF ANNUITY FOR PARTICIPANTS GENERALLY.—Except as otherwise provided in paragraph (2), the annuity of a participant who has met the eligibility requirements for an annuity shall commence on the first day of the month after separation from the Agency or after pay ceases and the service and age requirements for title to an annuity are met.

"(2) EXCEPTIONS.—The annuity of—

"(A) a participant involuntarily separated from the Agency;

"(B) a participant retiring under section 231 due to a disability; and

"(C) a participant who serves 3 days or less in the month of retirement;

shall commence on the day after separation from the Agency or the day after pay ceases and the service and age or disability requirements for title to annuity are met.

"(3) OTHER ANNUITIES.—Any other annuity payable from the fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

"(c) TERMINATION OF ANNUITY.—An annuity payable from the fund shall terminate—

"(1) in the case of a retired participant, on the day death or any other terminating event provided by this title occurs; or

"(2) in the case of a former spouse or a survivor, on the last day of the month before death or any other terminating event occurs.

"(d) APPLICATION FOR SURVIVOR ANNUITIES.—The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application for such annuity, supported by such proof of eligibility as the Director may require. If such application or proof of eligibility is not submitted during the lifetime of an otherwise eligible individual, no annuity shall be due or payable to the individual's estate.

"(e) WAIVER OF ANNUITY.—An individual entitled to an annuity from the fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Director. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver is in effect.

"(f) LIMITATIONS.—

"(1) APPLICATION BEFORE 115TH ANNIVERSARY.—No payment shall be made from the fund unless an application for benefits based on the service of the participant is received by the Director before the 115th anniversary of the participant's birth.

"(2) APPLICATION WITHIN 30 YEARS.—Notwithstanding paragraph (1), after the death of a participant or retired participant, no benefit based on that participant's service may be paid from the fund unless an application for the benefit is received by the Director within 30 years after the death or other event which gives rise to eligibility for the benefit.

"(g) WITHHOLDING OF STATE INCOME TAX FROM ANNUITIES.—

"(1) AGREEMENTS WITH STATES.—The Director shall, in accordance with this subsection, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Director shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the Fund and disbursed to the States during the month following that calendar quarter.

"(2) LIMITATION ON MULTIPLE REQUESTS.—An annuitant may have in effect at any time only one request for withholding under this subsection, and an annuitant may not have more than two such requests during any one calendar year.

"(3) CHANGE IN STATE DESIGNATION.—Subject to paragraph (2), an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Director, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Director.

"(4) GENERAL PROVISIONS.—This subsection does not give the consent of the United States to the application of a statute which imposes more burdensome requirements of the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this subsection. The Director may not accept pay from a State for serv-

ices performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Director shall be repaid by the State in accordance with regulations prescribed by the Director.

"(5) DEFINITION.—For the purpose of this subsection, the term 'State' includes the District of Columbia and any territory or possession of the United States.

"SEC. 264. ATTACHMENT OF MONEYS.

"(a) EXEMPTION FROM LEGAL PROCESS.—Except as provided in subsections (b), (c), and (e), none of the moneys mentioned in this title shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

"(b) PAYMENT TO FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any participant, former participant, or retired participant who has a former spouse who is covered by a court order or who is a party to a spousal agreement—

"(1) any right of the former spouse to any annuity under section 222(a) in connection with any retirement or disability annuity of the participant, and the amount of any such annuity;

"(2) any right of the former spouse of a participant or retired participant to a survivor annuity under section 222(b) or 222(c), and the amount of any such annuity;

"(3) any right of the former spouse of a former participant to any payment of a lump-sum credit under section 241(b) and to any payment of a return of contributions under section 234(a); and

"(4) any right of the former spouse of a participant or former participant to a lump-sum payment or additional annuity payable from a voluntary contribution account under section 281;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this title.

"(c) OTHER PAYMENTS UNDER COURT ORDERS.—Payments under this title that would otherwise be made to a participant, former participant, or retired participant based upon that participant's service shall be paid, in whole or in part, by the Director to another individual if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(d) PROSPECTIVE PAYMENTS; BAR TO RECOVERY.—

"(1) Subsections (b) and (c) apply only to payments made under this title for periods beginning after the date of receipt by the Director of written notice of such decree, order, or agreement and such additional information and documentation as the Director may require.

"(2) Any payment under subsection (b) or (c) to an individual bars recovery by any other individual.

"(e) ALLOTMENTS.—An individual entitled to an annuity from the fund may make allotments or assignments of amounts from such annuity for such purposes as the Director considers appropriate.

"SEC. 265. RECOVERY OF PAYMENTS.

"Recovery of payments under this Act may not be made from an individual when, in the judgment of the Director, the individual is without fault and recovery would be against equity and good conscience. Withholding or recovery of money payable pursuant to this Act on account of a certification or payment made by a former employee of the Agency in the discharge of the former employee's official duties may be made if the Director certifies that the certification or payment involved fraud on the part of the former employee.

"Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

"SEC. 271. RECALL.

"(a) AUTHORITY TO RECALL.—The Director may, with the consent of a retired participant, recall that participant to service in the Agency whenever the Director determines that such recall is in the public interest.

"(b) PAY OF RETIRED PARTICIPANT WHILE SERVING.—A retired participant recalled to duty in the Agency under subsection (a) or reinstated or reappointed in accordance with section 231(b) shall, while so serving, be entitled, in lieu of the retired participant's annuity, to the full basic pay of the grade in which the retired participant is serving. During such service, the retired participant shall make contributions to the fund in accordance with section 211.

"(c) RECOMPUTATION OF ANNUITY.—When the retired participant reverts to retired status, the annuity of the retired participant shall be redetermined in accordance with section 221.

"SEC. 272. REEMPLOYMENT.

"A participant retired under this title shall not, by reason of that retired status, be barred from employment in Federal Government service in any appointive position for which the participant is qualified.

"SEC. 273. REEMPLOYMENT COMPENSATION.

"(a) DEDUCTION FROM BASIC PAY.—An annuitant who has retired under this title and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this title, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

"(b) RECOVERY OF OVERPAYMENTS.—In the event of an overpayment under this section, the amount of the overpayment shall be recovered by withholding the amount involved from the basic pay payable to such reemployed annuitant or from any other moneys, including the annuitant's annuity, payable in accordance with this title.

"(c) DEPOSIT IN THE FUND.—Sums deducted from the basic pay of a reemployed annuitant under this section shall be deposited in the Treasury of the United States to the credit of the fund.

"Part I—Voluntary Contributions

"SEC. 281. VOLUNTARY CONTRIBUTIONS.

"(a) AUTHORITY FOR VOLUNTARY CONTRIBUTIONS.—

"(1) IN GENERAL.—Under such regulations as may be prescribed by the Director, a participant may voluntarily contribute additional sums in multiples of one percent of the participant's basic pay, but not in excess of 10 percent of such basic pay.

"(2) INTEREST.—The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest—

"(A) for periods before January 1, 1985, at 3 percent a year; and

"(B) for periods on or after January 1, 1985, at the rate computed under section 8334(e) of title 5, United States Code,

compounded annually to the date of election under subsection (b) or the date of payment under subsection (d).

"(b) TREATMENT OF VOLUNTARY CONTRIBUTIONS.—Effective on the date of retirement and at the election of the participant, the participant's account shall be—

"(1) returned in a lump sum;

"(2) used to purchase an additional life annuity;

"(3) used to purchase an additional life annuity for the participant and to provide for a cash payment on the participant's death to a beneficiary; or

"(4) used to purchase an additional life annuity for the participant and a life annuity commencing on the participant's death payable to a beneficiary, with a guaranteed return to the beneficiary or the beneficiary's legal representative of an amount equal to the cash payment referred to in paragraph (3).

In the case of a benefit provided under paragraph (3) or (4), the participant shall notify the Director in writing of the name of the beneficiary of the cash payment or life annuity to be paid upon the participant's death.

"(c) VALUE OF BENEFITS.—The benefits provided by subsection (b)(2), (3), or (4) shall be actuarially equivalent in value to the payment provided for in subsection (b)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

"(d) LUMP SUM PAYMENT.—A voluntary contribution account shall be paid in a lump sum at such time as the participant dies or separates from the Agency without entitlement to an annuity. In the case of death, the account shall be paid in the order of precedence specified in section 241(c).

"(e) BENEFITS IN ADDITION TO OTHER BENEFITS.—Any benefit payable to a participant or to the participant's beneficiary with respect to the additional contributions provided under this section shall be in addition to benefits otherwise provided under this title.

"Part J—Cost-of-Living Adjustment of Annuities

"SEC. 291. COST-OF-LIVING ADJUSTMENT OF ANNUITIES.

"(a) IN GENERAL.—Each annuity payable from the fund shall be adjusted as follows:

"(1) Each cost-of-living annuity increase under this section shall be identical to the corresponding percentage increase under section 8340(b) of title 5, United States Code.

"(2) A cost-of-living increase made under paragraph (1) shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5, United States Code. Except as provided in subsection (b), each such increase shall be applied to each annuity payable from the fund which has a commencing date not later than the effective date of the increase.

"(b) ELIGIBILITY.—Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) The first cost-of-living increase (if any) made under subsection (a) to an annuity which is payable from the fund to a participant who retires, to the surviving spouse, former spouse, or previous spouse of a participant who dies in service, or to the surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity has not been increased under this subsection or subsection (a), shall be equal to the product (adjusted to the nearest 1/10 of one percent) of—

"(A) 1/12 of the applicable percent change computed under subsection (a), multiplied by

"(B) the number of months (not to exceed 12 months, counting any portion of a month as a month)—

"(i) for which the annuity was payable from the fund before the effective date of the increase, or

"(ii) in the case of a surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity

has not been so increased, since the annuity was first payable to the deceased annuitant.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled to an annuity under section 221(d) or section 232(c)) shall be increased by the total percentage increase the annuitant was receiving under this section at death.

"(3) For purposes of computing the annuity of a child under section 221(d) that commences after October 31, 1969, the dollar amounts specified in section 221(d)(3) shall each be increased by the total percentage increases allowed and in force under this section on or after such day and, in the case of a deceased annuitant, the percentages specified in that section shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day.

"(c) LIMITATION.—An annuity increase provided by this section may not be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) ROUNDING TO NEXT LOWER DOLLAR.—The monthly annuity installment, after adjustment under this section, shall be rounded to the next lowest dollar, except that such installment shall, after adjustment, reflect an increase of at least $1.

"(e) LIMITATION ON MAXIMUM AMOUNT OF ANNUITY.—

"(1) IN GENERAL.—An annuity shall not be increased by reason of an adjustment under this section to an amount which exceeds the greater of—

"(A) the maximum pay payable for GS-15 30 days before the effective date of the adjustment under this section; or

"(B) the final pay (or average pay, if higher) of the participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in the rates of pay of the General Schedule under subchapter I of chapter 53 of title 5, United States Code, during the period—

"(i) beginning on the date on which the annuity commenced (or, in the case of a survivor of the retired participant, the date on which the participant's annuity commenced), and

"(ii) ending on the effective date of the adjustment under this section.

"(2) PAY DEFINED.—For purposes of paragraph (1), the term 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.

"Part K—Conformity With Civil Service Retirement System

"SEC. 292. AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS.

"(a) PRESIDENTIAL AUTHORITY.—

"(1) CONFORMITY TO CSRS BY EXECUTIVE ORDER.—Whenever the President determines that it would be appropriate for the purpose of maintaining existing conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, the President may, by Executive order, extend to current or former participants in the Central Intelligence Agency Retirement and Disability System, or to their survivors, a provision of law enacted after January 1, 1975, which—

"(A) amends subchapter III of chapter 83 of title 5, United States Code, and is applicable to civil service employees generally; or

"(B) otherwise affects current or former participants in the Civil Service Retirement and Disability System, or their survivors.

"(2) EXTENSION TO CIARDS.—Any such order shall extend such provision of law so that it applies in like manner with respect to such Central Intelligence Agency Retirement and Disability System participants, former participants, or survivors.

"(3) LEGAL STATUS.—Any such order shall have the force and effect of law.

"(4) EFFECTIVE DATE.—Any such order may be given retroactive effect to a date not earlier than the effective date of the corresponding provision of law applicable to employees under the Civil Service Retirement System.

"(b) EFFECT OF EXECUTIVE ORDER.—Provisions of an Executive order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) provisions of law enacted before the effective date of the Executive order; and

"(2) any prior provision of an Executive order issued under this section.

"SEC. 293. THRIFT SAVINGS PLAN PARTICIPATION.

"(a) ELIGIBILITY FOR THRIFT SAVINGS PLAN.—Participants in the system shall be deemed to be employees for the purposes of section 8351 of title 5, United States Code.

"(b) MANAGEMENT OF THRIFT SAVINGS PLAN ACCOUNTS BY DIRECTOR.—Subsections (k) and (m) of section 8461 of title 5, United States Code, shall apply with respect to contributions made by participants to the Thrift Savings Fund under section 8351 of such title and to earnings attributable to the investment of such contributions.

"SEC. 294. ALTERNATIVE FORMS OF ANNUITIES.

"(a) AUTHORITY FOR ALTERNATIVE FORM OF ANNUITY.—The Director shall prescribe regulations under which a participant may, at the time of retiring under this title (other than under section 231), elect annuity benefits under this section instead of any other benefits under this title (including any survivor benefits under this title) based on the service of the participant creditable under this title.

"(b) BASIS FOR ALTERNATIVE FORMS OF ANNUITY.—The regulations and alternative forms of annuity shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5, United States Code.

"(c) LUMP-SUM CREDIT.—Any lump-sum credit provided pursuant to an election under subsection (a) shall not preclude an individual from receiving other benefits provided under that subsection.

"(d) SUBMISSION OF REGULATIONS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director shall submit the regulations prescribed under subsection (a) to the congressional intelligence committees before the regulations take effect.

"SEC. 295. PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES.

"The amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"SEC. 301. APPLICATION OF FEDERAL EMPLOYEES' RETIREMENT SYSTEM TO AGENCY EMPLOYEES.

"(a) GENERAL RULE.—Except as provided in subsections (b) and (c), all employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, shall be subject to chapter 84 of title 5, United States Code.

"(b) EXCEPTION FOR PRE-1984 EMPLOYEES.—Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not subject to chapter 84 of title 5, United States Code, without regard to whether they are subject to title II of the Social Security Act.

"(c) NONAPPLICABILITY OF FERS TO CERTAIN EMPLOYEES.—

"(1) The provisions of chapter 84 of title 5, United States Code, shall not apply with respect to—

"(A) any individual who separates, or who has separated, from Federal Government service after having been an employee of the Agency subject to title II of this Act; and

"(B) any employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under title II of this Act (determined without regard to any deposit or redeposit requirement under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act, or any requirement that the individual become subject to such subchapter or to title II of this Act after performing the service involved).

"(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 307 to become subject to chapter 84 of title 5, United States Code, to the extent provided in such regulations.

"(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5, United States Code.

"(d) ELECTION TO BECOME SUBJECT TO FERS.—An employee who is designated as a participant in the Central Intelligence Agency Retirement and Disability System after December 31, 1987, pursuant to section 203 may elect to become subject to chapter 84 of title 5, United States Code. Such election—

"(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

"(2) shall take effect beginning with the first pay period beginning after the date of the election; and

"(3) shall be irrevocable.

"(e) SPECIAL RULES.—The application of the provisions of chapter 84 of title 5, United States Code, to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this title. Any provision of that chapter which is inconsistent with a special rule provided in this title shall not apply to such employees.

"SEC. 302. SPECIAL RULES RELATING TO SECTION 203 CRITERIA EMPLOYEES.

"(a) IN GENERAL.—Except as otherwise provided in this section, in the application of chapter 84 of title 5, United States Code, to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 203, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5, United States Code).

"(b) VOLUNTARY AND MANDATORY RETIREMENT.—The provisions of sections 233 and 235 shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5, United States Code.

"(c) RECALL.—

"(1) Except as provided in paragraph (2), section 271 shall apply to an employee referred to in subsection (a).

"(2) Contributions during recall service shall be made as provided in section 8422 of title 5, United States Code.

"(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5, United States Code.

"SEC. 303. SPECIAL RULES FOR OTHER EMPLOYEES FOR SERVICE ABROAD.

"(a) SPECIAL COMPUTATION RULE.—Notwithstanding any provision of chapter 84 of title 5, United States Code, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 302(a) and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

"(b) COMPUTATION.—

"(1) SERVICE ABROAD.—The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(d) of title 5, United States Code.

"(2) OTHER SERVICE.—The portions of the annuity relating to other creditable service shall be computed as provided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

"SEC. 304. SPECIAL RULES FOR FORMER SPOUSES.

"(a) GENERAL RULE.—Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) DEFINITIONS.—For purposes of this section:

"(1) EMPLOYEE.—The term 'employee' means an employee of the Agency who is subject to chapter 84 of title 5, United States Code, including an employee referred to in section 302(a).

"(2) QUALIFIED FORMER SPOUSE.—The term 'qualified former spouse' means a former spouse of an employee or retired employee who—

"(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Agency; and

"(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent by the employee outside the United States during the employee's service with the Agency or otherwise in a position the duties of which qualified the employee for designation by the Director under the criteria prescribed in section 203.

"(3) PRO RATA SHARE.—The term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5, United States Code, divided by (B) the total number of days of the employee's creditable service.

"(4) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between an employee, former employee, or retired employee and such employee's spouse or qualified former spouse that—

"(A) is in writing, is signed by the parties, and is notarized;

"(B) has not been modified by court order; and

"(C) has been authenticated by the Director.

"(5) COURT ORDER.—The term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

"(c) ENTITLEMENT OF QUALIFIED FORMER SPOUSE TO RETIREMENT BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of benefits payable under subchapter II or V of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or V of chapter 84 of title 5, United States Code.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 50, United States Code; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) ANNUITY SUPPLEMENT.—The benefits payable to an employee under subchapter II of chapter 84 of title 5, United States Code, shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of such title.

"(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before the commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) COMMENCEMENT AND TERMINATION.—

"(A) COMMENCEMENT.—The benefits of a qualified former spouse under this subsection commence on the later of—

"(i) the day on which the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order or spousal agreement, together with such additional information or documentation as the Director may prescribe.

"(B) TERMINATION.—The benefits of the qualified former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date on which the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5) PAYMENTS TO RETIRED EMPLOYEES.—

"(A) CALCULATION OF SURVIVOR ANNUITY.—Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, United States Code, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5, United States Code.

"(B) REDUCTION IN BASIC PAY UPON RECALL TO SERVICE.—If a retired employee whose annuity is reduced under paragraph (1) is recalled to service under section 302(c), the basic pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) SPECIAL RULES FOR DISABILITY ANNUITANTS.—Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date on which the employee would qualify, on the basis of the employee's creditable service, for benefits under subchapter II of chapter 84 of title 5, United States Code, or on the date on which the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of such title.

"(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) TREATMENT OF PRO RATA SHARE UNDER INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d) QUALIFIED FORMER SPOUSE SURVIVOR BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, United States Code, to an eligible surviving spouse of the employee.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5, United States Code; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) SURVIVOR BENEFITS.—

"(A) The survivor benefits payable under this subsection to a qualified former spouse shall in-

clude the amount payable under section 8442(b)(1)(A) of title 5, United States Code, and any supplementary annuity under section 8442(f) of such title that would be payable if such former spouse were a widow or widower entitled to an annuity under such section.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) RESTORATION.—If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, United States Code, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5) MODIFICATION OF COURT ORDER OR SPOUSAL AGREEMENT.—A modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(6) EFFECT OF TERMINATION OF QUALIFIED FORMER SPOUSE'S ENTITLEMENT.—After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within 2 years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable—

"(i) 50 percent of the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A),

multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) QUALIFIED FORMER SPOUSE THRIFT SAVINGS PLAN BENEFIT.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of the balance of an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of the balance in the employee's account in the Thrift Savings Fund on the date the divorce of the qualified former spouse and employee becomes final.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals 50 percent of the employee's account balance in the Thrift Savings Fund that accrued during the period of marriage. For purposes of this subsection, the employee's account balance shall not include the amount of any outstanding loan.

"(2) PAYMENT OF BENEFIT.—

"(A) TIME OF PAYMENT.—The entitlement of a qualified former spouse under paragraph (1) shall be effective on the date the divorce of the qualified former spouse and employee becomes final. The qualified former spouse's benefit shall be payable after the date on which the Director receives the divorce decree or any applicable court order or spousal agreement, together with such additional information or documentation as the Director may require.

"(B) METHOD OF PAYMENT.—The qualified former spouse's benefit under this subsection shall be paid in a lump sum.

"(C) LIMITATION.—A spousal agreement or court order may not provide for payment to a qualified former spouse under this subsection of an amount that exceeds the employee's account balance in the Thrift Savings Fund.

"(D) DEATH OF QUALIFIED FORMER SPOUSE.—If the qualified former spouse dies before payment of the benefit provided under this subsection, such payment shall be made to the estate of the qualified former spouse.

"(E) BAR TO RECOVERY.—Any payment under this subsection to an individual bars recovery by any other individual.

"(3) CLOSED ACCOUNT.—No payment under this subsection may be made by the Director if the date on which the divorce becomes final is after the date on which the total amount of the employee's account balance has been withdrawn or transferred, or the date on which an annuity contract has been purchased, in accordance with section 8433 of title 5, United States Code.

"(f) PRESERVATION OF RIGHTS OF QUALIFIED FORMER SPOUSES.—An employee may not make an election or modification of election under section 8417 or 8418 of title 5, United States Code, or other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(g) PAYMENT OF SHARE OF LUMP-SUM CREDIT.—Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(h) PAYMENT TO QUALIFIED FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any employee or retired employee who has a qualified former spouse who is covered by a court order or who is a party to a spousal agreement—

"(1) any right of the qualified former spouse to any retirement benefits under subsection (c) and to any survivor benefits under subsection (d), and the amount of any such benefits;

"(2) any right of the qualified former spouse to any Thrift Savings Plan benefit under subsection (e), and the amount of any such benefit; and

"(3) any right of the qualified former spouse to any payment of a lump-sum credit under subsection (g), and the amount of any such payment;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this section.

"(i) APPLICABILITY OF CIARDS FORMER SPOUSE BENEFITS.—

"(1) Except as provided in paragraph (2), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 102(a)(3)) who would otherwise be eligible for benefits under sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purposes of computing such former spouse's benefits under sections 224 and 225—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A); and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or regulations prescribed under section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.

"SEC. 305. ADMINISTRATIVE PROVISIONS.

"(a) FINALITY OF DECISIONS OF DIRECTOR.—Section 201(c) of this Act shall apply in the administration of chapter 84 of title 5, United States Code, with respect to employees of the Agency.

"(b) EXCEPTION.—Notwithstanding subsection (a), section 8461(e) of title 5, United States Code, shall apply with respect to employees of the Agency who are not participants in the Central Intelligence Agency Retirement and Disability System and are not designated under section 302(a).

"SEC. 306. REGULATIONS.

"(a) REQUIREMENT.—The Director shall prescribe in regulations appropriate procedures to carry out this title. Such regulations shall be prescribed in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board.

"(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.

"SEC. 307. TRANSITION REGULATIONS.

"(a) REGULATIONS.—The Director shall prescribe regulations providing for the transition from the Central Intelligence Agency Retirement and Disability System to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, in a manner consistent with sections 301 through 304 of the Federal Employees' Retirement System Act of 1986.

"(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.".

SEC. 803. CONFORMING AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) SECTION 14.—Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by striking out "sections 204, 221(b)(1)–(3), 221(f), 221(g)(2), 221(l), 221(m), 221(n), 221(o), 222, 223, 224, 225, 232(b), 234(c), 234(d), 234(e), and 263(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "sections 102, 221(b)(1)–(3), 221(f), 221(g), 221(h)(2), 221(i), 221(l), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act".

(2) SECTION 18.—Section 18(a) of such Act (50 U.S.C. 403r(a)) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(3) SECTION 19.—Section 19 of such Act (50 U.S.C. 403s) is amended—

(A) in subsection (a)—

(i) by inserting "OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(a)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by inserting "such" in clause (iii) before "section 203";

(iv) by striking out "such section 231" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(v) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(B) in subsection (b)—

(i) by inserting "SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(b)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by striking out "widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act";

(iv) by striking out "widow or widower, former spouse, and/or child or children" in the matter after clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child";

(v) by striking out "such section 232" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(vi) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(C) by striking out subsections (c) and (d); and

(D) by redesignating subsection (e) as subsection (c) and in that subsection—

(i) by striking out "(1)" and inserting in lieu thereof "ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—";

(ii) by striking out "established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act"; and

(iii) by striking out paragraph (2).

(b) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 9(b)(3) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(c) TITLE 5, UNITED STATES CODE.—Sections 8347(n)(4)(A) and 8423(a)(1)(B)(i) of title 5, United States Code, are amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(d) TITLE 10, UNITED STATES CODE.—Section 1605(a) of title 10, United States Code, is amended in the second sentence—

(1) striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act"; and

(2) by inserting "(50 U.S.C. 403r)" after "the Central Intelligence Agency Act of 1949".

SEC. 804. SAVINGS PROVISIONS.

(a) PRIOR ELECTIONS.—Any election made under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the effective date specified in section 805 shall not be affected by the amendment made by section 802 and shall be deemed to have been made under the corresponding provision of that Act as restated by section 802 as the Central Intelligence Agency Retirement Act.

(b) REFERENCES.—Any reference in any other Act, or in any Executive order, rule, or regulation, to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, or to a provision of that Act, shall be deemed to refer to that Act and to the corresponding provision of that Act, as restated by section 802 as the Central Intelligence Agency Retirement Act.

SEC. 805. EFFECTIVE DATE.

The amendments made by sections 802 and 803 shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER (except for subsection 404(f)),
LARRY COMBEST (except for subsection 404(f)),
DOUG BEREUTER (except for subsection 404(f)),
R.K. DORNAN (except for subsection 404(f)),
BILL YOUNG (except for subsection 404(f)),
DAVID O'B. MARTIN (except for subsection 404(f)),
GEORGE W. GEKAS (except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for the intelligence and intelligence-related activities of the United States Government, the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intel-

ligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act for Fiscal Year 1993. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1993 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1993 for the Community Management Staff and provides for administration of the staff during fiscal year 1993 in the same manner as the Central Intelligence Agency. The conference report authorizes $86.9 million and 161 personnel.

The Community Management Staff will perform some of the tasks associated with the responsibilities the Director of Central Intelligence (DCI) has for the management of the intelligence community. These tasks were previously performed by the Intelligence Community Staff. At the time the House considered the budget request for the Community Management Staff, it was the position of the DCI that these funding and personnel levels should not be made public. As a result of a disagreement with this position, no funds for the Community Management Staff were included in the House bill.

The conferees note that the position of the DCI on this matter changed prior to the drafting of the Senate amendment. The inclusion of Section 104 in the conference report reflects this change.

The levels recommended by the conferees for funding and personnel in section 104 exceed those necessary for the core responsibilities of the Community Management Staff as envisioned by the DCI. As detailed more fully in the classified annex to this Joint Explanatory Statement, the additional funds and personnel recommended in section 104 will be used for such community-wide activities as a measurements and signatures intelligence (MASINT) committee, a Foreign Language Committee, an Open Source Coordinator's Office, and an Advanced Research and Development Committee.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SECTION 201

Section 201 of the conference report authorizes appropriations for fiscal year 1993 of $168,900,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 is identical to section 201 of the House bill and section 201 of the Senate amendment.

TITLE III—GENERAL PROVISIONS

SECTION 301

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. Section 301 is identical to section 301 of the House bill and to section 601 of the Senate amendment.

SECTION 302

Section 302 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and section 602 of the Senate amendment.

SECTION 303

Section 303 of the conference report expresses the "sense of Congress" that beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and the amount spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner. Section 303 is identical to section 603 of the Senate amendment and section 701 of the Intelligence Authorization Act for Fiscal Year 1992. The House bill did not contain a similar provision.

In adopting section 303 the conferees reiterate their hope that the intelligence committees, working with the President, will, in 1993, be able to make available to the American people, in a manner that does not jeopardize U.S. national security interests, the total amounts of funding for intelligence and intelligence-related activities.

SECTION 304

Section 304 of the conference report corrects technical drafting errors in the National Security Agency Act of 1959 and the Intelligence Authorization Act, Fiscal Year 1991. Section 304 is identical to section 306 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 305

Section 305 of the conference report authorizes funds for an advanced airborne reconnaissance system. Section 305 is identical to section 307 of the House bill and is consistent with action taken by the Senate on this matter as reflected in the classified Schedule of Authorizations which accompanies the Senate amendment.

TITLE IV—DEPARTMENT OF DEFENSE

SECTION 401

Section 401 of the conference report provides discretionary authority to the Secretary of Defense to utilize appropriated funds to provide assistance to certain former Defense Intelligence Agency employees for up to five years after leaving such employment. The assistance may be provided if the Secretary determines it is essential to avoid circumstances that might lead to the unlawful disclosure of classified information to which the employee to be assisted had access. The Secretary must report annually to the congressional appropriations and intelligence committees any expenditures made pursuant to this authority, beginning not later than 12 months after the date of enactment.

Section 401 is identical, except for technical drafting changes, to section 301 of the Senate amendment. A similar provision, section 305, was contained in the House bill.

SECTION 402

Section 402 of the conference report authorizes the Secretary of Defense to include senior executive service positions within the existing Civilian Intelligence Personnel Management System (CIPMS) of the military departments. The Secretary is also authorized to establish, by regulation, the requirements for such positions, to provide for pay and benefits, and to provide for the appointment to and removal from such positions, consistent with the statutory requirements for the Senior Executive Service generally. Senior Executive Service positions within CIPMS may not exceed 0.5 percent of the total CIPMS work force.

Section 402 is identical to section 302 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 403

Section 403 of the conference report requires that reports regularly sent to the congressional armed services committees concerning certain Department of Defense real property transactions and construction projects shall be provided as well to the congressional intelligence committees when such reports involve transactions or projects affecting intelligence components of the Department of Defense.

Section 403 is identical to section 304 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 404

Section 404 of the conference report contains minor amendments to the National Security Education Act of 1991 (title VIII of the Intelligence Authorization Act, Fiscal Year 1992). Subsections (a), (c), (d), and (e) are substantively identical to subsections 304(a) (1), (2), (3), (5), (6), and section 604 of the Senate amendment. Subsection 404(b) is a revision of subsection 304(a) (4) of the Senate amendment. The House bill did not contain similar provisions.

The National Security Education Act (NSEA) amendments in section 404 will produce the following results:

the minimum period in which an undergraduate student receiving NSEA assistance must participate in a foreign study program will be one academic semester or equivalent term, rather than one academic semester;

graduate students receiving NSEA assistance will be able to study abroad if that study is part of a graduate degree program of a United States institution of higher learning;

the Secretary of Defense may enter into not more than ten personal service contracts, for periods of up to one year, in order to assist in the administration of the NSEA program;

the requirement in existing law for the Secretary of Defense to administer the pro-

gram through the Defense Intelligence College is eliminated. In eliminating this requirement, which has proven to be impractical, the conferees note that pursuant to section 803 of the Act, the National Security Education Board established by the Act retains authority to establish policy governing the program and retains the responsibility for reviewing its administration. Thus, while the Secretary of Defense is given overall responsibility for carrying out the program, under the Act, the Secretary is obliged to do so in accordance with policies approved by the Board, regardless of the instrumentalities used for the purpose;

the size of the National Security Education Board will be increased from ten to thirteen by adding the chairperson of the National Endowment for the Humanities and two additional education experts who are not federal employees;

the Secretary of the Treasury shall invest in full the amount in the National Security Education Trust Fund that is not immediately necessary for expenditure, rather than for obligation as in current law;

the National Security Education Act of 1991 is redesignated the "David L. Boren National Security Education Act of 1991" in recognition of Senator Boren's role in the development and enactment of this legislation; and

the authorization of appropriations for fiscal year 1993 to the National Security Education Trust Fund is $30 million.

SECTION 405

Section 405 of the conference report provides compensation authority to the Secretary of Defense sufficient to ensure that the National Security Agency (NSA) is able to recruit and retain the skilled personnel needed to carry out its mission. Section 405 makes clear that civil service level employees of the NSA may not receive basic pay at a rate which is above the rate paid to employees at Executive Level IV. In addition, section 405 authorizes the Secretary of Defense (or the Secretary's designee) to provide to NSA's officers and employees, compensation, benefits, incentives, and allowances at levels which do not exceed those authorized by title 5, United States Code.

Section 405 is identical to section 305 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 406

Section 406 is similar to subsection 106(c) as contained in section 731 of the Senate amendment. It provides that nothing in this Act or any other provision of law shall be construed to require the disclosure of the names, titles, salaries, or number of persons employed by, or assigned or detailed to, the National Reconnaissance Office (NRO).

The conferees, in consultation with the NRO, have determined that a somewhat narrower provision than that in the Senate amendment is appropriate, given that the functions and activities of the NRO, beyond those which have recently been acknowledged publicly, remain classified and are thus potentially subject to exemption from public disclosure under the (b)(1) exemption to the Freedom of Information Act. The conferees also believed it desirable to clarify that the authority to withhold information does not apply to requests from the Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION

SECTION 501

Section 501 of the conference report authorizes the Director of the Federal Bureau of Investigation, during fiscal year 1993, to accept on behalf of the FBI bequests of personal property or devises of real property under certain conditions.

Section 501 is identical to section 401 of the Senate amendment. The House bill did not contain a similar provision.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SECTION 601

Section 601 amends section 17(e)(3) of the Central Intelligence Agency Act of 1949 to make clear that the Inspector General may receive and investigate complaints or information from any person relating to the CIA's programs, operations and activities.

Section 601 is identical to section 303 of the House bill and, except for a technical drafting difference, to section 501 of the Senate amendment.

TITLE VII—INTELLIGENCE ORGANIZATION ACT OF 1992

Title VII amends the National Security Act of 1947 by providing for: the participation of the Director of Central Intelligence (DCI) in the National Security Council; the appointment of the Director and Deputy Director of Central Intelligence; the responsibilities and authorities of the Director of Central Intelligence; the responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program; and certain administrative arrangements pertaining to elements of the Department of Defense within the intelligence community.

Except for technical drafting differences and modifications described below, title VII is similar to title VII of the Senate amendment. The House bill contained no similar provisions.

The conferees take note of the general concern raised by the Administration that title VII might be viewed as creating legislative "charters" for the elements of the intelligence community, and thereby limit the flexibility of the President in carrying out intelligence activities. It is not the intent of the conferees to establish legislative charters, and, in fact, title VII does not limit presidential flexibility. Thus, the President is authorized to shape the composition of the intelligence community as he or she sees fit. The responsibilities of the DCI, set forth in this title, are made subject to the direction of the President or the National Security Council. Finally, the Secretary of Defense is explicitly provided discretion to utilize any element of the Department of Defense to carry out intelligence functions. While it is true that specific elements of the Department of Defense intelligence community are mentioned in title VII as carrying out certain responsibilities of the Secretary, the conference report does not preclude either the President or the Secretary of Defense from assigning such other functions to these elements as they may choose. The conference report also does not prevent the President or Secretary of Defense from assigning these functions to other elements of the Department of Defense as may be appropriate, subject to the possible need for congressional authorization of the funding required to execute such functions. In short, the conferees have made every effort to preserve the flexibility necessary for the President, DCI, and Secretary of Defense to carry out their crucial responsibilities in intelligence without the need to return to the Congress for new legislation. The conferees believe it is important to have in place a statutory framework that accurately reflects, and provides a clear foundation for, the relationships between various elements of the U.S. intelligence community. Existing law, which is now 44 years old, simply does not achieve this result.

SECTION 701

Section 701 contains the short title of title VII, the Intelligence Organization Act of 1992.

SECTION 702

Section 702 amends the National Security Act of 1947 to add a new section 3 containing definitions of terms used in the Act.

In subsection 3(2), the definition of "foreign intelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof." This conforms the definition to changes in the definitions of other terms described below.

In subsection 3(3), the definition of "counterintelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof."

In subsection 3(4)(F), the element identified as the "Office of Reconnaissance Support" has been changed to "National Reconnaissance Office," the name of the existing organization. This action was made possible by the recent declassification of the name of this organization.

Subsection 3(5), the definition of "national intelligence" and "intelligence related to national security," is identical to subsection 3(7) as contained in the Senate amendment.

Subsection 3(6), the definition of "National Foreign Intelligence Program," is identical to subsection 3(8) as contained in the Senate amendment.

Subsection 3(6) as contained in the Senate amendment, the definition of "foreign power," has been deleted as unnecessary.

SECTION 703

Section 703, concerning the participation of the DCI in the National Security Council, is identical to section 711 of the Senate amendment except for technical drafting differences.

SECTION 704

Section 704 is identical to section 721(a) of the Senate amendment except for technical drafting differences. Subsection 721(b) of the Senate amendment, establishing the Director of Central Intelligence at Level I of the Executive Schedule, has been deleted because of Administration objection.

The conferees take particular note of subsection 102(d) as contained in section 704 which makes clear that the Office of the Director of Central Intelligence, while constituting a separate element of the intelligence community, remains, for administrative purposes, within the Central Intelligence Agency.

Accordingly, the Office of the Director of Central Intelligence and the entities contained therein, e.g. the National Intelligence Council, remain governed by, and subject to, the provisions of the National Security Act of 1947, as amended, the Central Intelligence Agency Act of 1949, as amended, and other applicable laws, orders, directives and regulations to the extent they apply to the Central Intelligence Agency.

The conferees intend that the entities within the Office of the Director of Central Intelligence which support the Director in the execution of the DCI's responsibilities for the intelligence community, as well as the National Intelligence Council, remain independent of the CIA in terms of the performance of their respective substantive functions. It is nonetheless the intent of the conferees that these entities be considered

administratively a part of CIA for purposes of receiving logistical and other administrative support, and that the personnel and activities of these entities be subject to the same laws and regulations as the personnel and activities of the Central Intelligence Agency, to include those laws and regulations which provide special authority to CIA for the conduct of intelligence activities. This is consistent with existing law and practice.

The conferees want to make clear, however, that in making the Office of the DCI part of the CIA for administrative purposes, it is not their intent that those elements of that office which provide support in the execution of the DCI's responsibilities as head of the intelligence community, nor the National Intelligence Council which performs functions for the DCI which transcend those of the CIA, be subject, in the execution of substantive responsibilities, to the management, supervision, or control of CIA officials except for responding to the direction of the DCI or DDCI. In short, in providing that the Office of the DCI be considered, for administrative purposes, as part of the CIA, the conferees do not intend to impair the ability of the DCI to act as the impartial head of the intelligence community.

SECTION 705

Section 705 adds two new sections to the National Security Act of 1947: section 103, setting forth the responsibilities of the Director of Central Intelligence, and section 104, setting forth the authorities of the Director of Central Intelligence.

Section 103 as contained in section 705 is identical to section 722 of the Senate amendment except for technical drafting differences and the following modifications:

Subsection 103(a) as contained in section 722 of the Senate amendment directed that the DCI "shall be responsible for providing timely, objective national intelligence, independent of political considerations, and based upon all sources available to the intelligence community" to the President, executive branch agencies, and, where appropriate, to Congress. The Administration objected to this provision on the ground that it might, in situations where the objectivity of such intelligence was challenged, subject the DCI to charges (and perhaps even criminal liability) that he or she had "violated the law." The conferees believed this objection to be unfounded, since this provision was not a criminal statute and was not intended to provide any basis for criminal liability to attach to the DCI, or any other official.

Nevertheless, the Administration remained concerned with the wording of the provision. To accommodate this concern, section 103(a) as contained in section 705 was modified to require that the DCI shall be responsible for providing national intelligence to appropriate consumers, and that such intelligence "should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community" (emphasis added). The conferees believed that providing "objective national intelligence, independent of political considerations" is fundamental to the reason for the existence of the Director of Central Intelligence as head of the CIA and the intelligence community, and that it is appropriate to make this responsibility clear in the law.

Section 103(b) as contained in section 705 establishes within the Office of the DCI the National Intelligence Council (NIC). The Senate amendment provided that the NIC "be headed by a Chairman with two deputy chairmen, at least one of whom shall be from the private sector." The Administration objected to this provision on the grounds that it restricted the flexibility of the DCI to organize the NIC as future circumstances might dictate. The conferees agreed to delete this language from the conference report in deference to this concern. The conferees do, however, wish to make clear their strong support for prominent representation on the NIC of individuals from the private sector. The presence of such individuals in senior leadership roles in the NIC structure will be among the factors considered in determining the authorization of future funding for the NIC. The conferees believe that effective use of individuals from outside of government in the NIC is absolutely essential to creating and maintaining the expertise, objectivity, and independence so critical to the production of national intelligence estimates.

Subsection 103(d)(5) as contained in section 705 has been modified to eliminate the concluding phrase pertaining to covert actions as may be authorized pursuant to title V of the National Security Act of 1947. While the conferees agreed that covert actions which may be authorized pursuant to title V of this Act would constitute an example of a function or duty which may be assigned by the President to the DCI as head of the CIA, the conferees believe it unnecessary to provide solely for this one function within the text of the statute. At the same time, the conferees believe it would be disingenuous for Congress not to acknowledge its awareness that covert actions remain an instrument of U.S. policy and a function which may be assigned to the CIA pursuant to this title.

Finally, the conferees wish to make clear that by including within the responsibilities of the Director of Central Intelligence the responsibility to protect intelligence sources and methods from unauthorized disclosure, the conferees take no position with respect to the interpretation of similar language in existing law in *CIA* v. *Sims*, 471 U.S. 159 (1985). In *Sims*, the U.S. Supreme Court held that existing law permits the DCI to withhold information concerning intelligence sources and methods under the (b)(3) exemption to the Freedom of Information Act (FOIA) (5 U.S.C. 522(b)(3)), where the information is specifically exempted by other law from disclosure, without having to show that the information in question was properly classified, and thus exempt under the FOIA national security (b)(1) exemption.

Whether there is justification to permit the DCI to withhold information concerning intelligence sources and methods which is not classified in response to requests made under the FOIA is a matter which deserves closer, more systematic review by the committees of jurisdiction prior to taking further legislative action. The conferees believe that this conference report, which addresses organizational structure, is not the appropriate vehicle to address this issue. Thus, in enacting subsection 103(c)(5) as contained in section 705, the conferees do not intend their action to constitute an endorsement of the holding in *Sims*.

Section 104 as contained in section 705 is similar to section 104 as contained in section 722 of the Senate amendment. The lead-in clause of subsection (a) has been modified, at the Administration's request, to read "To the extent recommended by the National Security Council and approved by the President . . .". This revised phrasing is used in existing law, and was believed desirable by the conferees to make clear that the practice under existing law is maintained.

In addition paragraph 104(d)(3) has been modified to make clear that funds transferred pursuant to the authority provided by subsection 104(d) shall remain available for the same period as governs the appropriations account to which transferred.

SECTION 706

Section 706 amends the National Security Act of 1947 by adding two new sections: section 105, pertaining to the responsibilities of the Secretary of Defense for the National Foreign Intelligence Program; and section 106, providing for certain administrative requirements for elements of the Department of Defense within the intelligence community.

Section 105 as contained in section 706 is identical to section 105 as contained in section 731 of the Senate amendment except for technical drafting differences and the following modifications:

In subsections (b)(2) through (b)(5), the phrase "except as otherwise directed by the President or the National Security Council" has been inserted in parentheses after the identification of the instrumentality concerned. The conferees agreed to these changes at the request of the Administration to make clear that the President or National Security Council could direct the utilization of instrumentalities within the intelligence community, other than those identified, to carry out the functions specified in the affected subsections. The conferees do not intend by these changes to suggest that the President or National Security Council could direct that the functions themselves not be executed, nor by this action do the conferees provide authority to abolish the DoD entities specifically identified. Such actions, should they be desired by a particular Administration, should be undertaken in consultation with the Congress and in accordance with applicable law.

The last phrase in paragraph 105(b) (5) has been deleted. The functions identified in subsection 105(b) for particular elements of the Department of Defense are not intended to be exclusive of other functions which may be assigned to such elements by the Secretary. As this is not made explicit at any other point in the text of the conference report itself, the conferees agreed the last phrase of paragraph 105(b) (5) was unnecessary.

The conferees note that subsection 105(b) (3) as contained in section 706 will recognize in law for the first time the National Reconnaissance Office (NRO) of the Department of Defense, and that the subsection briefly sets forth the functions of that organization. As currently constituted, the Director of the NRO reports to the Secretary of Defense, and the Secretary has ultimate responsibility, which is exercised in concert with the Director of Central Intelligence, for the management and operation of the NRO. The Director of the NRO executes the NRO's responsibilities through the Department of Defense and the Central Intelligence Agency. It is not the intention of this subsection to alter or limit the existing roles and responsibilities of the Secretary of Defense or the DCI with respect to the management and operation of the NRO. Instead, the statutory language serves to recognize in law the existence of this Office and the vital role which it plays within the intelligence community.

The conferees applaud the Administration's recent decision to publicly acknowledge the existence and mission of the NRO. The conferees hope that this decision will lead to an expanded role for the NRO in the development of a more realistic United States policy on the sale of reconnaissance technology and systems in foreign markets.

The conferees also note subsection 105(c) as contained in section 706 which authorizes the Secretary of Defense to utilize elements of the Department of Defense as may be appropriate to carry out the functions described in the section, in addition to, or in lieu of, the elements expressly identified. In adopting this subsection, the conferees intend to permit the Secretary sufficient flexibility to utilize elements of the Department of Defense to carry out intelligence activities as may be appropriate, without returning to Congress for new legislation. Obviously, however, if funding had not been previously authorized and appropriated by the Congress to permit the component concerned to undertake the function in question, it would remain incumbent upon the Department to undertake appropriate consultations with the Congress. Thus, a decision by the Secretary to utilize an element of the Department of Defense other than the National Security Agency to form a unified signals intelligence organization would necessitate the authorization and appropriation of funds by the Congress to be used for this purpose.

Section 106 as contained in section 706 is identical to the corresponding section of the Senate amendment, except for technical drafting differences and a change of the reference to the Office of Reconnaissance Support to the National Reconnaissance Office, to conform to the changes made elsewhere in this title.

TITLE VIII—CIARDS TECHNICAL CORRECTIONS ACT OF 1992

Title VIII restates and revises the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note). It is identical to Subtitle B of Title II of the House bill except for modifications described below. The Senate amendment did not include a similar provision.

Section 221(g)(2)(B)(i) of the restatement is identical to Section 221(g)(2)(B)(i) of the restatement in the House bill except for technical drafting differences. Section 221(g)(2)(B)(ii) of the restatement is modified to specify the deposit required when a retired participant elects to provide a survivor annuity for a new spouse upon remarriage. This modification follows the provisions of section 8339(j)(5)(c) of title 5, United States Code. Section 252(g) of the restatement is modified to reflect the modification in section 221(g)(2)(B)(ii).

Section 252(b)(4) of the restatement in the House bill, which would have been superfluous under the CIA Retirement and Disability System, is deleted. Section 264(a) of the restatement is modified to conform more closely to section 263(a) of current law. Case law is considered settled on the interpretation of the phrase "moneys mentioned in this title" and the restatement is not intended to change this interpretation. The heading of section 281(c) of the restatement, which was "Actuarial Equivalence" in the House bill, is changed to "Value of Benefits."

Section 304 of the restatement is modified to include a new subsection (e) to spell out the treatment of the qualified former spouse thrift savings plan benefit. Unless otherwise expressly provided by a spousal agreement or court order, a qualified former spouse of an employee covered under the Federal Employees' Retirement System is entitled to a share of the balance in the employee's account in the Thrift Savings Fund on the date of divorce equal to 50 percent of the account balance that accrued during the period of the marriage.

The qualified former spouse's benefit is to be paid in a lump sum upon receipt by the Director of Central Intelligence of the divorce decree or any applicable court order or spousal agreement, together with any additional information or documentation the Director may require. If the qualified former spouse dies before payment of the benefit to which he or she is entitled, then payment is to be made to the estate of the qualified former spouse. No payment may be made by the Director if the date on which the divorce becomes final occurs after the date the account has been closed or an annuity contract has been purchased. Payment to one individual bars recovery by any other individual.

Section 304 of the restatement also includes technical changes in conformance with the new subsection (e).

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Defense Intelligence College

Section 303 of the Senate amendment authorized the Defense Intelligence College to grant a degree of Bachelor of Science in Intelligence. The House bill did not contain a similar provision. The conferees noted that the United States Department of Education had not determined that the proposed degree program was consistent with its own internal policies. The conferees believe it desirable that such a determination be reached prior to the enactment of legislation providing degree-granting authority. Accordingly, the conferees agreed to exclude the provision from the conference report with the intention of reviewing this matter when Department of Education validation of the program is obtained.

Transfer of Joint Intelligence Center (JIC) Billets

The House committee report on H.R. 5095 endorsed the future focus of tailored intelligence production in the Joint Intelligence Center (JIC) concept proposed by the Administration. In the wake of changing world circumstances, it is understood that the missions of the ten Unified and Specified Commands would undergo some change, and some corresponding changes in the size of the intelligence components of those commands could occur. Therefore, the House bill recommended a shift of a number of intelligence personnel billets believed to be unmanned from what is now the Strategic Command (STRATCOM) to the Contingency Command. In its report on the bill, the House committee indicated its intention to further consider that recommendation after the completion and evaluation of a JIC study then being conducted by the Administration. The Senate believed transfers were unwarranted at this time and consequently recommended no adjustment to the Administration's proposed request.

The conferees agreed that the proposed transfer would severely restrict the flexibility of the Director of the Defense Intelligence Agency to shift resources according to changes in the threat, force structure, and budget. Accordingly, the House recedes.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER (except for subsection 404(f)),
LARY COMBEST (except for subsection 404(f)),
DOUG BEREUTER (except for subsection 404(f)),
R.K. DORNAN (except for subsection 404(f)),
BILL YOUNG (except for subsection 404(f)),
DAVID O'B. MARTIN (except for subsection 404(f)),
GEORGE W. GEKAS (except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

DISPATCHING U.S. JOBS OVERSEAS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when it comes to international trade, President Bush sees a new order—one world, one market. "Why protect U.S. jobs when world competition controls the marketplace, says the first free trader?"

When it comes to the U.S. worker, there is no such thing as free trade.

George Bush has presided over an economy in freefall. The President has insulted American workers by vetoing: one textile bill, one unemployment bill, and one family and medical leave bill.

Meanwhile, news accounts have revealed that the Bush administration used millions of U.S. tax dollars to relocate American jobs overseas.

This foreign policy initiative—through the Agency for International Development—may have crippled our domestic industry while dispatching American workers to the unemployment lines.

That is why I have joined five other colleagues in requesting a full account-

ing of these accusations by President Bush.

Mr. Speaker, three vetoes later the President has demonstrated he is no friend to the American worker. Let us hope the facts show the Bush administration did not use U.S. tax dollars to send our jobs abroad.

CLINTON'S TAX GAP

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there is a tax gap in Mr. Clinton's economic plan.

Bill Clinton has promised repeatedly to raise taxes by $150 billion. He says he will do this by raising taxes on those making over $200,000 a year, by increasing the tax on foreign corporations, and through other means.

But Mr. Speaker, these numbers do not add up. His tax on the rich will raise $30 billion less than Clinton has promised, according to the Treasury Department. The foreign corporation tax will fall $44 billion short.

This means Bill Clinton will have to find $74 billion from another source.

Mr. Speaker, this other source is the middle-class taxpayer.

In fact, to reach his goal, Bill Clinton will be forced to raise taxes on almost all Americans.

That doesn't sound like the rich to me.

Mr. Speaker, Bill Clinton needs to explain this tax gap. The American people deserve to know the truth. Level with us, Bill—we're tired of the flimflam.

JOB CREATION UNDER BUSH TAKES PLACE OVERSEAS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as a candidate, George Bush promised to create 30 million new jobs. As President, he did create over 700,000 jobs—in Central America and the Caribbean.

According to a just-released report, the Bush and Reagan administrations spent over 1 billion tax dollars through the U.S. Agency for International Development to move American jobs overseas. AID provided incentives for U.S. companies to relocate their operations offshore.

AID has been so successful that there are more than 200 so-called export processing zones located in the Caribbean Basin and Mexico. These zones house 3,000 manufacturing plants and employ 735,000 workers producing $14 billion in annual exports to the United States.

As a result, thousands of American workers have lost their jobs. Those American workers lucky enough to still have jobs, have watched their wage rate and standard of living decline under the withering economic attack of the President.

Mr. Speaker, during the past decade, American workers were told to vote with their feet. Now George Bush wants them to pick up a passport on the way.

This travesty must end. I will do everything within my power to ensure that not another dime of taxpayer money is spent to export our jobs.

THE OMNIBUS INTERSTATE CHILD SUPPORT AND PARENTAGE ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise this morning as a member of the National Commission on Child Support Enforcement, to commend President Bush for turning his attention to what has long been a national disgrace—the epidemic of parents neglecting or refusing their moral and legal obligation to pay child support. I look forward to working with the new Bush administration on this critical problem in the new Congress.

In the meantime, the national child support enforcement system is failing miserably. Only 43 percent of mothers with binding child support orders receive regular payments. For the rest, life is a daily struggle at best, or even a short drop onto the public assistance rolls.

Today, along with the senior Senator from my State of New Jersey, BILL BRADLEY, I am introducing the Omnibus Interstate Child Support and Parentage Act. This legislation would enact many of the recommendations made by our National commission. Among other things, this bill stiffens interstate enforcement, forces the States to bring their procedures into compliance with national standards and makes interstate flight to avoid child support a Federal crime.

On behalf of the families of America, I urge my colleagues to cosponsor this critical legislation.

BILL CLINTON LOOKS TO A BETTER FUTURE FOR AMERICA

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the message of the Presidential campaign is very clear to the people of America. On one side President Bush's message is this: Things could get worse. Yet, by leading economic indicators that are being disclosed this week, we see that we still are struggling with unemployment and a recession that just will not go away.

President Bush tells the American voters: "Things could get worse. Bill Clinton could make them worse." But the message from the Clinton campaign is dramatically different. The message from Mr. Clinton is: "Things could get better."

□ 1010

With different leadership in the White House, working with Congress, we can try to put this economy back on track. We can abandon the Reagan-Bush economic policies which have cost us the best jobs in America and have really worked for tax policies that do not help working families.

I think this difference between the two campaign messages explains why Mr. Clinton is now in the lead and will be elected on November 3.

CONFEREES CHANGE RULES ON HIGH-LEVEL NUCLEAR WASTE

(Mrs. VUCANOVICH asked and was given permission to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, late yesterday evening, the House conferees, while considering H.R. 776, the energy bill, voted 16 to 6 to drastically change the rules regarding protecting the public's health and safety from high-level nuclear waste.

The conferees accepted a Senate offer on section 801 that is tantamount to making up the rules as we play the game. In this game, the stakes are high: radiation exposure.

Last May, this body voted for a provision directing the EPA to repromulgate radiation standards for public comment. These standards were based upon population dose rather than individual dose effects.

Senator JOHNSTON's amendment, which I believe to be outside the scope of the conference, throws out the old EPA radiation standards, and basically directs the National Academy of Sciences to write a less rigorous standard that can surely be met by a deep geologic repository.

In other words, no matter how tectonically stable, or unstable, Yucca Mountain is, the environmental rules have been made to order.

I want to thank those five brave Members who voted their conscience and joined with me against this outrageous backroom dealing.

What sort of protection is this for my constituents? It is no wonder the country thinks Congress needs to be fixed.

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1992

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, today is the beginning of a new fiscal year for the U.S. Government. Last night at midnight marked a new milepost which

I hope our country never reaches again—an annual Federal deficit between $300 billion and $400 billion.

Four months ago, we fell just short of amending our Constitution to prevent such deficits. At that time, many of our colleagues came to the well of the House rejecting the concept of a balanced budget amendment but proclaiming their support for statutory change which would require a balanced budget.

This morning I am filing legislation, the Comprehensive Budget Process Reform Act of 1992, which will not only require a balanced budget, but will provide the statutory mechanism to achieve it. This budget reform legislation is the bipartisan work product of literally thousands of hours by many of my colleagues on both sides of the aisle.

The Comprehensive Budget Reform Act will not only require a balanced budget, but it will bring the President and the Congress together in the creation of a balanced budget, and establish enforcement mechanisms to ensure compliance. To enable the achievement of a balanced budget, the act will eliminate the annual current services approach to budgeting and replace it with an incremental-based biennial budget. Rather than a cash method budget, the act will require a unified budget including an operating budget and a capital budget. Sunset authority will require all Government programs to be periodically reexamined and reauthorized based upon performance standards by which to judge the effectiveness of each program. Finally, the President is given enhanced rescission authority to identify and eliminate wasteful spending.

I am filing this legislation today, knowing that we will not have time for enactment this session of Congress. However, it is the intention of the cosponsors of this legislation to contact every returning Member and every newly elected Member of this House prior to next January to solicit your cosponsorship and support for quick consideration and passage in the 103d Congress. I request and encourage your thoughtful deliberation of the Comprehensive Budget Process Reform Act. We can solve the deficit problem if we drop partisan politics and truly work together.

LIBERALS ARE NOT NICE PEOPLE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, liberals are not nice people. Liberals have no shame.

The leader of the liberal pack, Bill Clinton, said that George Bush is exporting jobs through the Agency for International Development [AID]. Let us analyze it. Who funds AID? Bill Clinton's liberals in the Congress, that is who.

On June 19, 1991, there was before Congress an amendment to cut AID by $2 billion. The General Accounting Office, Congress' own investigative arm, had repeatedly told us of the waste and abuse in AID. It is the Congress's responsibility to exercise oversight over the programs it insists upon, not George Bush's. Congress funds AID, not George Bush.

How did you vote on AID and to cut AID funding? Did you vote to send jobs overseas? We had two Democrats here in the House this morning, bashing George Bush. Both of them voted for AID and for sending jobs overseas.

I was in the conference committee in September 1991, when the conferees met on this issue. I saw how the liberals acted. I saw what happened. They killed the cut which the House had made in AID.

The liberals are blowing a lot of smoke. Come on, George Bush, let us expose these scoundrels.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that statements should be addressed to the Chair, not to persons outside the Chamber.

FOREIGN AID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the foreign aid bill there is $50 million in weapons for Bosnia, even though there are 25,000 murders in America. There is $20 million for foreign family planning, even though there is 47 million Americans without health insurance. There is $10 billion for loan guarantees to Israel while people are sleeping in tents in Florida and Louisiana and on steel grates in New York and Los Angeles. There is $1 billion in economic aid for Russia, even though there was another 430,000 American workers who lost their job last week.

Let me say this: If foreign aid helps so much, how come Old Glory is not flying over Subic Bay anymore? You do not buy friends. We need money at home.

Let us stop this foreign aid giveaway and redirect the money back home. Maybe we should export a few of these politicians that are exporting our money.

WELFARE REFORM

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, how do we best reform the welfare system in this country, by the standard top-down Federal mandate, most probably unfunded; or do we build from the bottom up using our States as laboratories to enact workable reforms? The gentleman from Florida, CLAY SHAW, the gentlewoman from Connecticut, NANCY JOHNSON, and myself prefer the latter approach, and today introduced legislation composed of a two-part strategy. One makes significant changes in Federal welfare law, and two allows a series of State demonstrations to test thoroughly the innovative ideas emerging in welfare policy, ideas such as time-limiting AFDC payments and child support assurance.

A recent U.S. News & World Report states the following:

> The case for experimental reform stems from two ineluctable truths. The first is that no one knows for sure how to slash the welfare rolls short of simply cutting benefits. The second is that the problem of dependency has now reached epidemic proportions.

Mr. Speaker, to cure an epidemic you need research. To do research you need a laboratory. Our States are equipped and ready. Let the experiments begin.

CONTROLS ON TOKYO TRADING

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, imagine the outrage if the U.S. Treasury Department were to instruct Merrill Lynch or Goldman Sachs or other brokerage houses to stop trading in foreign stocks. No one in this House would stand for it. But indeed that is exactly what has happened in recent years in Tokyo.

The Ministry of Finance in Japan instructed firms in Tokyo to stop trading through their offices in Hong Kong because Hong Kong investors were buying shares in paper companies in Japan.

Mr. Speaker, for a long time the peculiar ethics of the markets in Japan were a Japanese problem. But today, when pension funds and mutual funds of American investors increasingly are used on the Tokyo markets, it is our problem.

Recently I introduced H.R. 3283 asking the Treasury Department to do a study on the safety, the security, and the practices for funds used on the Tokyo markets. Soon that legislation will return to the House attached to Senate legislation. I ask my colleagues for the sake of the security of American investors to support it, to review it and to lend it their vote.

□ 1020

WE CANNOT AFFORD BILL CLINTON

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, Governor Bill Clinton claims he is only going to tax the wealthiest Americans. The richest 2 percent in the United States to raise his promised $150 billion. But the middle class had better watch out—for Clinton to raise that kind of money, he will have to tax people with yearly incomes as low as $34,000. That sure sounds like middle class to me.

The truth is that the American middle class cannot afford Bill Clinton, and they can't trust Bill Clinton. Just look at this record. Clinton raised Arkansas taxes designed to hit the middle class, such as taxes on groceries, tourism, and mobile homes. Think what he will do to the rest of the country if given the chance.

There is only one place in America Bill Clinton can dig into to pay for his big government with $150 billion in new taxes and $220 billion in new spending—hard working, middle income Americans.

Mr. Speaker, is this what we want? I doubt it. America cannot afford Bill Clinton, and we cannot trust him either.

INTRODUCTION OF LEGISLATION CONCERNING LABOR AND LABELING PRACTICES OF SAIPAN

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, as we work at putting America back to work, it is important to recognize that American jobs are lost every day through inconsistencies in U.S. trade policy.

Saipan, a U.S. protectorate located in the South Pacific exports goods duty free and tagged with the "Made in USA" label. CBS and the Washington Post, recently reported Saipan has been exploiting its status as a United States protectorate.

According to the Commerce Department, apparel and textile shipments from Saipan were valued at $12 million in 1985. By 1991 the value soared to $253 million.

Saipan has experienced explosive growth. But the workers fueling this growth are not residents of Saipan. They are foreign workers who are subjected to inhuman living conditions, 80-hour workweeks, and subminimum wages; 1990 census figures show that out of the total Saipan work force, 82 percent are nonresidents.

Today, I have introduced a bill that will address these problems. My legislation puts Saipan on notice that we will no longer tolerate its labor and labeling practice and its impact on American jobs.

I urge Members to cosponsor this important legislation for American jobs.

THE FORGOTTEN ISSUE OF THE 1992 ELECTION CAMPAIGN

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, you come from a rural district, and I come from a rural district.

I would like to talk about the forgotten issue of this 1992 Presidential election campaign, and that is American agriculture. I would like to talk to you about the candidate who forgot them. Unfortunately for you, Mr. Speaker, that is your candidate, Governor Clinton.

The fact is that I was excited when Governor Clinton came to my district with his bus tour, and I was excited when he decided to hold a rally on a farm, but, boy, was I disappointed when he did not have one specific to tell my farmers about what he was going to do in American agriculture.

He said he was for expanded markets. Well, so am I, so is the President, but he is not willing to endorse NAFTA like the President is. He is not willing to try to achieve expanded markets through the kind of export-enhancement programs like the President is. He says he wants fair prices for the farmer, but he does not tell how he is going to achieve those fair prices when he says he is for expanded markets.

He did go to Iowa, a week ago, Governor Clinton, that is, and he criticized the President for not doing something on ethanol. If I understand it correctly, the President has been trying to work out a very difficult problem on the ethanol issue. I still do not know where Governor Clinton stands on that issue.

Will he endorse the President's plan when he announces it? Or will he continue to be as vague as he has been thus far to the American farmer?

NAVAL ORDNANCE STATION VITAL TO THE NAVY, TO KENTUCKY, AND TO INDIANA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, one of the jewels, one of the treasures of the Nation's national defense capability is located in my district. It is the Naval Ordnance Station, Louisville, where 2,400 men and women, civilian and military, overhaul and modernize the Navy's ordnance systems as well as its shipborne missile launching systems.

Naval Ordnance is now a part of a joint command with Crane, IN, division of the Naval Surface Warfare Center.

This afternoon I will testify before the conversion committee strongly urging retention of Naval Ordnance and Crane division because of its vital importance to Louisville, to Crane, IN, southern Indiana, as well as Kentucky, but more to the point, the importance of this joint command to the national defense posture.

In the future, the Navy will have fewer new weapons systems. It will need more effective forms of overhauling and modernizing existing weapons systems.

This is exactly what Louisville and Crane do best and cheapest. We need to keep these two organizations going as part of the new military.

IRS MUST BE HELD ACCOUNTABLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, believe it or not, the IRS has lost $175 million and will not even try to find it.

The Wall Street Journal reported last week that the IRS has sent out $175 million in tax refunds to 270,000 filers who are not entitled to these 1992 refunds.

The GAO has verified this mistake on the part of the IRS.

The IRS told the Wall Street Journal that it would be too difficult to identify who received the $175 million windfall and citing the cost of trying to find this money, said the IRS will just swallow this mistake.

A mistake of this magnitude would not happen in private business and if it did, top management would be removed.

But because this is our wasteful Federal Government, everybody just shrugs their shoulders. After all, the IRS seems to say, a $175 million mistake is nothing.

This is an inexcusable waste of tax dollars and the IRS should be held accountable.

What would happen if a taxpayer said he or she failed to pay their taxes by mistake? Would the IRS forgive them and swallow the mistake? We know the answer to that question.

I know that most people say you cannot criticize the IRS; they will come after you.

It is bad enough that the Federal Government has spent itself into a $4 trillion debt. But this is ridiculous—and the IRS should not be immune from criticism. Now the bureaucrats are literally losing millions of our tax dollars.

There is no excuse for this mismanagement. We need to hold the bureaucrats accountable for this outrage and not allow them to simply swallow this $175 million waste of tax dollars.

READ OUR LIPS: WE WILL NOT BE GAGGED

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, this is a very somber occasion.

Today is the day that the Bush administration's regressive new regulations go into effect, gagging America's health professionals and denying American women information on their full range of health care options.

These regulations deny health care professionals the right to free speech.

They jeopardize the sacred relationship between health care professionals and their patients.

And they deny women the right to quality health care.

Today, Members of Congress, representatives of national women's organizations, and clinic operators and clients will hold a press conference at noon to send the President a message, loud and clear.

Mr. Speaker, we will tell the President: "Read our lips, we won't be gagged."

This may be the first day of the new gag rule, but it is also the first day of a nationwide movement to untie these bonds and gain new leadership that will be more sensitive to the rights of women.

Mr. Speaker, we care about women. The gag rule is intolerable and must be overturned.

VETERANS' HEALTH CARE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, national health care reform is a topic of intense debate these days. During this important debate, any reform proposal that impacts on the status, role, or autonomy of the VA health care system must be closely examined.

When Canada adopted its National Health Insurance Program, its veterans health care system disappeared. Since long-term care is not part of the insurance program in some Canadian provinces, many Canadian veterans find that they cannot get the long-term care that, as veterans, they both need and deserve.

The men and women who have served in our Armed Forces have met their obligations to our country. Now, more than ever, we need to show our veterans that they have not been forgotten or abandoned.

The veterans in my district are concerned that their health care needs are being overlooked in the debate over a new national health care system. It is vitally important to ensure that any changes in the U.S. health care system not threaten or undermine the care available to our veterans.

CHOP ON, BRAVES, CHOP ON

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, I would like to discuss a very important issue here.

Mr. Speaker, Tuesday night down South, America's team, the Atlanta Braves, won the National League Western Division title for the second consecutive year. It was a remarkable achievement for a team that has captured the fancy of baseball fans all over the world with their determination, their winning attitude, and their combination of steady pitching, slick fielding, and timely hitting.

Mr. Speaker, Braves caps are worn all around America, even in Pittsburgh, PA, where I have placed a few friendly wagers lately.

So we would like to tip our hats to Ted Turner, John Schuerholz, Bobby Cox, and the entire Braves organization, but most particularly, to those 3 million Braves fans who filled the Atlanta stadium this summer for a great summer of baseball.

So chop on, Braves, chop on.

□ 1030

REPUBLICAN WELFARE REFORM BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, we are now moving into the second decade of ferment on welfare reform. In both 1981 and 1988 Congress enacted sweeping welfare reform legislation. The major purpose of both acts was to help States end welfare dependency by encouraging welfare mothers to work. Now the Nation is witnessing a great new wave of reform legislation in which States are asking for authority to require work and responsible parenting from adults on welfare.

This relentless move toward welfare reform is being driven by the realization that most of our welfare programs contain a fundamental flaw—they provide people with benefits but require nothing in return.

Today, Mrs. JOHNSON, Mr. GRANDY, and I are introducing legislation to authorize a series of large-scale State demonstrations to test radical new means of ending welfare dependency. These coordinated demonstrations will show how we can create a welfare-to-work system in which market earnings at low-wage jobs, combined with public benefits available to working families, will ensure welfare mothers who work an annual income of at least $15,000 in cash plus day care and health care subsidies.

We should make this bill, and similar bills from the other side of the aisle, the first order of business in the 103d Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the Speaker's statement of earlier this morning, that is the last of the permissible 1-minute speakers at this time. The Speaker had indicated there would be 10 Members taken on each side and this exhausts the 10 on each side.

CONFERENCE REPORT ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 582 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 582 waives all points of order against the conference report on H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and against its consideration.

Mr. Speaker, under the conference agreement, a total of $23.2 billion is appropriated for the Departments of Commerce, Justice, State, and related agencies. The measure appropriates $643 million or 3 percent less than the President's budget request.

The conference agreement appropriates $9.4 billion for programs and agencies of the Justice Department which is an increase of $93 million over last year's funding level. The agree-

ment also provides $693 million for the Office of Justice programs which provides State and local law enforcement assistance grants.

The conference agreement provides $385 million for interagency law enforcement efforts against organized drug crime and provides $2 billion for the Federal Bureau of Investigation as well as $718 million for the Drug Enforcement Agency. Included in the agreement is also an increase in funding for Federal prisons of $83 million.

The conference agreement appropriates $3.1 billion for the Commerce Department which is an increase of $117 million over last year's funding level and does not include the President's proposal to terminate the Economic Development Administration. Instead, the bill provides a total of $244 million in funding for EDA.

Finally, the agreement provides increased funding for the State Department, Federal Communications Commission, U.S. Information Agency, Equal Employment Opportunity Commission, as well as the Maritime Administration.

Mr. Speaker, as we move into the new fiscal year it is imperative that Congress and the President quickly complete action on the remaining appropriation bills. House Resolution 582 will expedite consideration of this important legislation and I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, and for the judiciary and related agencies.

I won't oppose the rule, Mr. Speaker, but I do want to express my concern over the trend of granting blanket waivers to these conference reports on appropriations bills. I know many of my colleagues share this concern.

We all put a great deal of faith and trust in our conferees, and I commend them for their hard work and efforts to represent the interests of the House in their deliberations with the Senate on these appropriations bills. They do a great job.

Oftentimes, however, the conference reports come out containing assorted legislative provisions and appropriation amounts which have never been considered here in the House. Members should have the opportunity to address these matters if they so choose. Waiving all points of order against these bills denies Members an opportunity to debate and vote on specific items of concern, and I hope we can stop this trend before it becomes a habit.

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Having said all of that, we do need to complete action on these important appropriation bills, so let us proceed with the consideration of this rule and get on with the business at hand.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes, for the purposes of debate only, to the gentleman from California [Mr. BROWN].

Mr. BROWN. I thank the gentleman for yielding.

Let me say parenthetically that my views are pretty much those expressed by the gentleman from Tennessee [Mr. QUILLEN] with regard to this bill. I am going to support it. I recognize the importance of it.

This Congress is going to be measured by the way in which we handle this business, particularly appropriations bills, in the last few days, and this contributes to an effective, expeditious treatment thereof.

Mr. Speaker, I wish to engage the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Iowa [Mr. SMITH] regarding the use of State Department funds designated for international scientific and technological activities.

Mr. Speaker, the conference report language provides $6.5 million for such international scientific research issues as environmental protection, marine resources, dry-land agriculture, public health, and transborder pollution. There research objectives are shared by the Mexico/United States Foundation for Science, which has been established with the full support of the Governments of both Mexico and the United States.

I would ask the chairman if he agrees that the program guidance provided to the State Department in the conference report language should encourage the State Department to make a contribution to the Mexico/United States Foundation for Science from these funds?

□ 1040

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. Certainly, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. First of all, Mr. Speaker, I want to say the committee is very much aware of the great work of the gentleman from California in this field. Certainly, after consulting with the gentleman, we intend that the statement of the managers would provide guidance to the Assistant Secretary of the OES and the Interagency Review Committee to consider a proposal from the Mexico/United States Foundation for Science.

Mr. BROWN of California. Mr. Speaker, I want to thank the gentleman from Iowa very much for this important clarification and his willingness to work in a cooperative manner to achieve the goals of this very important international program.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28292.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on the bill, H.R. 5678, now under consideration, and that I may be permitted to insert a table and extraneous matter following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of Iowa. Mr. Speaker, as was explained on the rule, the conference report on this bill does involve 3 departments and 22 agencies. We are within our 602(b) budget allocation.

This bill was very low as it left the House. We got an increase in the 602(b) budget allocation before we got through conference, but it has been completed now and we are within the new 602(b) allocation.

We think that we have worked out as good a bill as could be worked out under the circumstances. There may be reductions in force [RIF's] in some departments under this bill, but we cannot help it, since the allocation is low. We have done the very best that we can.

At this point, I would like to insert a table into the RECORD that shows the amount in the conference agreement on H.R. 5678, the fiscal year 1992 amount, the fiscal year 1993 budget request, and the amounts in the House and Senate bills for each appropriation account.

The table follows:

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE AND RELATED AGENCIES						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Justice Assistance	669,467,000	588,507,000	626,915,000	669,729,000	665,299,000	-4,168,000
Public safety officers benefits program:						
Death benefits	27,144,000	28,013,000	28,013,000	28,013,000	28,013,000	+869,000
Disability benefits	.....	2,000,000	.....	.....	.....	.....
Total	27,144,000	30,013,000	28,013,000	28,013,000	28,013,000	+869,000
Total, Office of Justice Programs	696,611,000	618,520,000	654,928,000	697,742,000	693,312,000	-3,299,000
General Administration						
Salaries and expenses	110,100,000	132,909,000	113,626,000	110,100,000	115,929,000	+5,829,000
Office of Inspector General	28,820,000	31,770,000	29,222,000	31,293,000	30,622,000	+1,802,000
Quantico Training Center	3,500,000	31,075,000	7,700,000	31,075,000	7,700,000	+4,200,000
Weed and Seed Fund	.....	.....	.....	17,200,000	13,150,000	+13,150,000
Total	142,420,000	195,754,000	150,548,000	189,668,000	167,401,000	+24,981,000
United States Parole Commission						
Salaries and expenses	9,855,000	9,309,000	9,053,000	9,309,000	9,309,000	-546,000
Legal Activities						
Salaries and expenses, general legal activities	384,249,000	419,525,000	384,501,000	396,766,000	395,500,000	+11,251,000
Vaccine injury compensation trust fund	2,000,000	2,000,000	1,860,000	2,000,000	2,000,000	.....
Independent counsel (permanent, indefinite)	4,000,000	4,500,000	4,500,000	4,500,000	4,500,000	+500,000
Civil liberties public education fund (permanent, definite)	500,000,000	250,000,000	250,000,000	250,000,000	250,000,000	-250,000,000
Salaries and expenses, Antitrust Division	44,994,000	54,127,000	44,994,000	44,626,000	44,626,000	-368,000
Offsetting fee collections	(13,500,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,400,000)
Total budget authority available	(58,494,000)	(64,127,000)	(58,494,000)	(61,526,000)	(61,526,000)	(+3,032,000)
Proposed fees, offsetting receipts	.....	-3,250,000	.....	.....	.....	.....
Salaries and expenses, United States Attorneys	720,737,000	813,510,000	730,040,000	807,810,000	768,300,000	+47,563,000
Assets forfeiture fund surplus	.....	.....	.....	.....	22,400,000	+22,400,000
Total budget authority available	720,737,000	813,510,000	730,040,000	807,810,000	790,700,000	+69,963,000
Proposed fees, offsetting receipts	.....	-1,400,000	.....	.....	.....	.....
United States Trustee System Fund	57,221,000	70,916,000	57,221,000	57,221,000	57,221,000	.....
Offsetting fee collections	(23,961,000)	(29,300,000)	(29,300,000)	(29,300,000)	(32,300,000)	(+8,339,000)
Total budget authority available	(81,182,000)	(100,216,000)	(86,521,000)	(86,521,000)	(89,521,000)	(+8,339,000)
Salaries and expenses, Foreign Claims Settlement Commission	843,000	898,000	898,000	898,000	898,000	+55,000
Salaries and expenses, United States Marshals Service	324,571,000	341,471,000	313,768,000	333,819,000	333,300,000	+8,729,000
Support of United States prisoners	235,125,000	268,481,000	230,075,000	234,125,000	234,125,000	-1,000,000
Assets forfeiture fund surplus	.....	.....	.....	.....	27,600,000	+27,600,000
Total budget authority available	235,125,000	268,481,000	230,075,000	234,125,000	261,725,000	+26,600,000
Fees and expenses of witnesses	92,797,000	81,010,000	81,010,000	81,010,000	81,010,000	-11,787,000
Salaries and expenses, Community Relations Service	27,343,000	36,570,000	26,106,000	26,106,000	26,106,000	-1,237,000
Assets forfeiture fund	100,000,000	100,000,000	93,000,000	100,000,000	93,000,000	-7,000,000
Total, Legal activities	2,493,880,000	2,438,358,000	2,217,973,000	2,338,881,000	2,340,586,000	-153,294,000
Radiation Exposure Compensation						
Administrative expenses	.....	2,722,000	2,722,000	2,722,000	2,722,000	+2,722,000
Payment to radiation exposure compensation trust fund	.....	170,750,000	170,750,000	170,750,000	170,750,000	+170,750,000
Total	.....	173,472,000	173,472,000	173,472,000	173,472,000	+173,472,000
Interagency Law Enforcement						
Organized crime drug enforcement	363,374,000	399,126,000	378,954,000	369,514,000	385,248,000	+21,874,000
Federal Bureau of Investigation						
Salaries and expenses	1,879,231,000	1,939,683,000	1,732,777,000	1,806,035,000	1,770,023,000	-109,208,000
Identification division automation	48,000,000	100,000,000	48,000,000	103,400,000	75,400,000	+27,400,000
Subtotal	1,927,231,000	2,039,683,000	1,780,777,000	1,909,435,000	1,845,423,000	-81,808,000
Special program	.....	80,000,000	130,000,000	162,000,000	130,000,000	+130,000,000
Total	1,927,231,000	2,119,683,000	1,910,777,000	2,071,435,000	1,975,423,000	+48,192,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Drug Enforcement Administration						
Salaries and expenses	717,104,000	771,468,000	702,933,000	750,668,000	718,684,000	+1,580,000
Offsetting fee collections				(12,000,000)	(12,000,000)	(+12,000,000)
Total budget authority available	(717,104,000)	(771,468,000)	(702,933,000)	(762,668,000)	(730,684,000)	(+13,580,000)
Immigration and Naturalization Service						
Salaries and expenses	939,241,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+25,759,000
Offsetting receipts				(5,000,000)	(5,000,000)	(+5,000,000)
Total budget authority available	(939,241,000)	(1,042,117,000)	(940,019,000)	(995,694,000)	(970,000,000)	(+30,759,000)
Immigration legalization	3,000,000					-3,000,000
Emergency immigration fund (rescission)	-4,400,000					+4,400,000
Total	937,841,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+27,159,000
Commission on Immigration Reform						
Salaries and expenses				800,000	300,000	+300,000
Thomas Jefferson Commemoration Commission						
Salaries and expenses					200,000	+200,000
Federal Prison System						
Salaries and expenses	1,615,479,000	1,895,751,000	1,703,966,000	1,746,710,000	1,681,822,000	+66,343,000
Prior year carryover					(40,000,000)	(+40,000,000)
Transfer of excess criminal fines					(63,000,000)	(+63,000,000)
Total budget authority available	(1,615,479,000)	(1,895,751,000)	(1,703,966,000)	(1,746,710,000)	(1,784,822,000)	(+169,343,000)
Proposed fees, offsetting receipts		-48,360,000		-48,360,000	-48,360,000	-48,360,000
National Institute of Corrections	10,221,000	11,055,000	9,941,000	10,555,000	10,250,000	+29,000
Buildings and facilities	462,090,000	339,225,000	92,807,000	409,225,000	339,225,000	-122,865,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
Total	2,087,790,000	2,197,671,000	1,806,714,000	2,118,130,000	1,982,937,000	-104,853,000
Total, Department of Justice	9,376,106,000	9,965,478,000	8,945,371,000	9,710,313,000	9,411,872,000	+35,766,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
RELATED AGENCIES						
Commission on Civil Rights						
Salaries and expenses	7,159,000	10,168,000	7,979,000	7,776,000	7,776,000	+617,000
Equal Employment Opportunity Commission						
Salaries and expenses	211,271,000	245,341,000	218,682,000	212,982,000	222,000,000	+10,729,000
Federal Communications Commission						
Salaries and expenses	126,309,000	153,336,000	68,536,000	126,309,000	128,500,000	+2,191,000
Federal Maritime Commission						
Salaries and expenses	17,600,000	19,100,000	17,429,000	19,100,000	18,300,000	+700,000
Federal Trade Commission						
Salaries and expenses	69,200,000	77,300,000	69,200,000	69,650,000	69,650,000	+450,000
Offsetting fee collections	(13,250,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,650,000)
Total budget authority available	(82,450,000)	(87,300,000)	(82,700,000)	(86,550,000)	(86,550,000)	(+4,100,000)
Proposed fees, offsetting receipts		-3,250,000				
Securities and Exchange Commission						
Salaries and expenses	157,485,000	249,761,000	157,485,000	119,923,000	127,235,000	-30,250,000
Offsetting fee collections - FY 1993	(68,307,000)			(128,740,000)	(96,000,000)	(+27,693,000)
Offsetting fee collections - FY 1992 carryover					(30,000,000)	(+30,000,000)
Total budget authority available	(225,792,000)	(249,761,000)	(157,485,000)	(248,663,000)	(253,235,000)	(+27,443,000)
Proposed fees, offsetting receipts		-91,000,000				
State Justice Institute						
Salaries and expenses	13,550,000	20,000,000	13,550,000	8,318,000	13,550,000	
Total, related agencies	602,574,000	680,756,000	552,861,000	564,058,000	587,011,000	-15,563,000
Total, title I, Department of Justice and related agencies	9,978,680,000	10,646,234,000	9,498,232,000	10,274,371,000	9,998,883,000	+20,203,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Scientific and technical research and services	183,000,000	201,911,000	178,583,000	201,911,000	192,940,000	+9,940,000
Industrial technology services	63,713,000	86,067,000	66,986,000	86,067,000	86,067,000	+22,354,000
Facilities		22,699,000	5,300,000			
Defense economic conversion research and technology				109,000,000		
Construction of research facilities				200,000,000	105,000,000	+105,000,000
Total	246,713,000	310,677,000	250,869,000	596,978,000	384,007,000	+137,294,000
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,472,619,000	1,577,945,000	1,452,139,000	1,511,001,000	1,521,416,000	+48,797,000
Aviation weather services program (Airport and Airways Trust Fund)	35,389,000	35,596,000	33,104,000			-35,389,000
(By transfer from Promote and Develop Fund)	(63,100,000)	(64,100,000)	(54,208,000)	(57,000,000)	(55,000,000)	(-8,100,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	(6,500,000)	(500,000)	(500,000)	(500,000)	(500,000)	(-6,000,000)
(Damage assessment and restoration revolving fund)		(-500,000)	(-500,000)	(-500,000)	(-500,000)	(-500,000)
Promote and develop fishery products	500,000					-500,000
Total	1,508,508,000	1,613,541,000	1,485,243,000	1,511,001,000	1,521,416,000	+12,908,000
Construction	34,917,000	54,363,000	51,316,000	94,363,000	94,500,000	+59,583,000
GOES Contingency Fund	110,000,000					-110,000,000
Shipbuilding and conversion, fleet modernization	33,200,000	2,000,000	2,000,000	37,000,000	30,000,000	-3,200,000
Fishing vessel obligations guarantee	1,000,000			940,000	470,000	-530,000
(Limitation on guaranteed loans)	(24,000,000)					(-24,000,000)
Administrative expenses	1,700,000			1,598,000		-1,700,000
Total	2,700,000			2,538,000	470,000	-2,230,000
Fisheries promotional fund (availability of funds)	(250,000)					(-250,000)
Fishing vessel and gear damage fund	1,281,000	1,404,000	1,306,000	1,306,000	1,306,000	+25,000
Fishermen's contingency fund	1,000,000	1,102,000	1,025,000	1,025,000	1,025,000	+25,000
Foreign fishing observer fund	1,000,000	607,000	565,000	565,000	565,000	-435,000
Rescissions	-4,359,000					+4,359,000
Total, National Oceanic and Atmospheric Administration	1,688,247,000	1,673,017,000	1,541,455,000	1,647,798,000	1,649,282,000	-38,965,000
General Administration						
Salaries and expenses	31,280,000	36,000,000	31,712,000	31,280,000	31,712,000	+432,000
Office of Inspector General	15,140,000	18,127,000	15,470,000	16,140,000	15,805,000	+665,000
Total	46,420,000	54,127,000	47,182,000	47,420,000	47,517,000	+1,097,000
Bureau of the Census						
Salaries and expenses	125,290,000	138,406,000	125,125,000	122,784,000	123,955,000	-1,335,000
Periodic censuses and programs	165,000,000	199,992,000	181,689,000	165,000,000	173,300,000	+8,300,000
Total	290,290,000	338,398,000	306,814,000	287,784,000	297,255,000	+6,965,000
Economic and Statistical Analysis						
Salaries and expenses	40,380,000	56,427,000	39,353,000	39,572,000	39,353,000	-1,027,000
International Trade Administration						
Operations and administration	209,160,000	202,158,000	194,149,000	215,292,000	213,851,000	+4,691,000
Export Administration						
Operations and administration	39,450,000	42,813,000	39,159,000	42,271,000	41,015,000	+1,565,000
Minority Business Development Agency						
Minority business development	42,500,000	43,954,000	37,889,000	38,864,000	37,889,000	-4,611,000
United States Travel and Tourism Administration						
Salaries and expenses	22,480,000	17,454,000	14,132,000	16,314,000	15,608,000	-6,872,000
Proposed fees, offsetting receipts		-3,000,000		-3,000,000	-3,000,000	-3,000,000
Patent and Trademark Office						
Salaries and expenses	88,441,000	99,000,000	89,129,000	86,672,000	86,672,000	-1,769,000
Technology Administration						
Salaries and expenses	4,600,000	6,070,000	4,311,000	4,636,000	4,450,000	-150,000
National Technical Information Service						
NTIS revolving fund		8,000,000	8,000,000	8,000,000	8,000,000	+8,000,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
National Telecommunications and Information Administration						
Salaries and expenses	17,600,000	21,823,000	17,198,000	18,621,000	17,900,000	+300,000
Public telecommunications facilities, planning and construction	22,925,000		21,320,000	21,000,000	21,320,000	-1,605,000
Rescission	-3,000,000					+3,000,000
Endowment for Children's Educational Television	2,000,000			1,960,000	1,000,000	-1,000,000
Total	39,525,000	21,823,000	38,518,000	41,581,000	40,220,000	+695,000
Economic Development Administration						
Economic development assistance programs	296,836,000		235,462,000	150,000,000	217,000,000	-79,836,000
EDA loan guarantees	800,000					-800,000
Administrative expenses	6,614,000	250,000	250,000	1,500,000	875,000	-5,739,000
Defense economic conversion, community assistance				80,000,000		
Salaries and expenses	27,632,000	13,750,000	26,487,000	26,000,000	26,243,000	-1,389,000
Economic development revolving fund (rescission)	-3,000,000					+3,000,000
Total	328,882,000	14,000,000	262,199,000	257,500,000	244,118,000	-84,764,000
Total, title II, Department of Commerce	3,087,088,000	2,884,918,000	2,873,159,000	3,327,482,000	3,106,237,000	+19,149,000
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on guaranteed loans)	(24,000,000)					(-24,000,000)
(Availability of funds)	(250,000)					(-250,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,540,000	1,601,000	1,601,000	1,601,000	1,601,000	+61,000
Other salaries and expenses	19,247,000	20,685,000	19,219,000	20,685,000	20,685,000	+1,438,000
Total	20,787,000	22,286,000	20,820,000	22,286,000	22,286,000	+1,499,000
Care of the building and grounds	3,801,000	3,611,000	3,070,000	3,187,000	3,320,000	-481,000
Total, Supreme Court of the United States	24,588,000	25,897,000	23,890,000	25,473,000	25,606,000	+1,018,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,655,000	1,714,000	1,714,000	1,714,000	1,714,000	+59,000
Other salaries and expenses	9,120,000	11,394,000	9,540,000	9,840,000	9,840,000	+720,000
Total	10,775,000	13,108,000	11,254,000	11,554,000	11,554,000	+779,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,293,000	1,307,000	1,307,000	1,307,000	1,307,000	+14,000
Other salaries and expenses	8,139,000	9,718,000	9,038,000	8,545,000	9,038,000	+899,000
Total	9,432,000	11,025,000	10,345,000	9,852,000	10,345,000	+913,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	153,000,000	165,777,000	165,777,000	165,777,000	165,777,000	+12,777,000
Other salaries and expenses	1,722,300,000	2,053,268,000	1,798,695,000	1,790,670,000	1,813,223,000	+90,923,000
Subtotal	1,875,300,000	2,219,045,000	1,964,472,000	1,956,447,000	1,979,000,000	+103,700,000
Vaccine Injury Compensation Trust Fund	2,100,000	2,500,000	2,053,000	2,075,000	2,075,000	-25,000
Total	1,877,400,000	2,221,545,000	1,966,525,000	1,958,522,000	1,981,075,000	+103,675,000
Defender services	221,871,000	303,846,000	215,043,000	215,121,000	215,121,000	-6,750,000
Fees of jurors and commissioners	70,000,000	74,000,000	68,820,000	69,560,000	68,820,000	-1,180,000
Court security	81,048,000	96,000,000	81,253,000	79,427,000	81,253,000	+205,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,250,319,000	2,695,391,000	2,331,641,000	2,322,630,000	2,346,269,000	+95,950,000
Administrative Office of the United States Courts						
Salaries and expenses	44,681,000	53,639,000	45,927,000	44,951,000	45,100,000	+419,000
Federal Judicial Center						
Salaries and expenses	17,795,000	21,354,000	17,947,000	17,048,000	17,500,000	-295,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Judicial Retirement Funds						
Payment to judicial officers' retirement and judicial survivors' annuity funds	6,500,000	8,520,000	8,520,000	8,520,000	8,520,000	+2,020,000
National Commission on Judicial Discipline and Removal						
Salaries and expenses	.....	.....	443,000	476,000	443,000	+443,000
United States Sentencing Commission						
Salaries and expenses	9,000,000	9,200,000	8,556,000	9,000,000	9,000,000	.....
Total, title III, the Judiciary	2,373,090,000	2,838,134,000	2,458,523,000	2,449,504,000	2,474,337,000	+101,247,000
TITLE IV - RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
Operations and training	73,200,000	78,419,000	71,570,000	71,736,000	71,736,000	-1,464,000
Ready reserve force	233,961,000	130,000,000	252,000,000	146,000,000	240,500,000	+6,539,000
Fleet addition	.....	104,000,000	104,000,000	.....	200,000,000	+200,000,000
Total, Ready reserve force	233,961,000	234,000,000	356,000,000	146,000,000	440,500,000	+206,539,000
Military useful vessel obligation guarantees:						
Guaranteed loans subsidy	.....	.....	50,000,000	44,800,000	48,000,000	+48,000,000
Administrative expenses	.....	.....	2,800,000	2,350,000	4,000,000	+4,000,000
Total, Maritime administration	307,161,000	312,419,000	480,370,000	264,886,000	564,236,000	+257,075,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	220,000	220,000	205,000	100,000	200,000	-20,000
Commission on Agricultural Workers						
Salaries and expenses	1,426,000	622,000	578,000	578,000	578,000	-848,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	1,882,000	.....	.....	.....	.....	-1,882,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,075,000	1,185,000	1,102,000	1,054,000	1,102,000	+27,000
Competitiveness Policy Council						
Salaries and expenses	750,000	2,500,000	1,223,000	1,750,000	1,223,000	+473,000
Marine Mammal Commission						
Salaries and expenses	1,250,000	1,310,000	1,218,000	1,231,000	1,260,000	+10,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	700,000	300,000	300,000	300,000	.....
Office of the United States Trade Representative						
Salaries and expenses	20,400,000	21,697,000	19,742,000	19,992,000	19,992,000	-408,000
Legal Services Corporation						
Payment to the Legal Services Corporation	350,000,000	525,034,000	364,000,000	350,000,000	357,000,000	+7,000,000
Small Business Administration						
Salaries and expenses	235,811,000	165,811,000	234,417,000	195,638,000	248,800,000	+12,989,000
Office of Inspector General	10,000,000	13,464,000	10,623,000	10,000,000	8,300,000	-1,700,000
Business Loans Program Account:						
Direct loans subsidy	.....	933,000	16,813,000	16,000,000	15,479,000	+15,479,000
Guaranteed loans subsidy	270,349,000	87,487,000	253,438,000	210,901,000	213,920,000	-56,429,000
Dire emergency	402,125,000	.....	.....	.....	.....	-402,125,000
Micro-Loan program	2,600,000	.....	.....	5,000,000	5,000,000	+2,400,000
Dire emergency	5,000,000	.....	.....	.....	.....	-5,000,000
(Limitation on direct loans including micro loans)	(1,634,935,000)	(5,000,000)	(64,810,000)	(88,883,000)	(88,883,000)	(-1,546,052,000)
(Limitation on guaranteed loans)	(4,819,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-432,017,000)
Administrative expenses	104,410,000	104,410,000	97,101,000	98,145,000	97,101,000	-7,309,000
Dire emergency 1/	106,000,000	.....	.....	.....	.....	-106,000,000
Total	890,484,000	192,830,000	367,352,000	330,046,000	331,500,000	-558,984,000

1/ Of this amount $4,000,000 supports the Micro-Loan program and $2,000,000 supports the guaranteed business loans program.

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Defense Economic Transition Assistance Loan Program				40,000,000		
Disaster Loans Program Account	121,555,000	24,362,000	80,657,000	80,657,000	80,657,000	-40,898,000
(Limitation on direct loans)	(365,000,000)	(296,733,000)	(376,900,000)	(376,900,000)	(376,900,000)	(+11,900,000)
Administrative expenses	78,000,000	78,000,000	78,000,000	73,320,000	78,000,000	
Subtotal	199,555,000	102,362,000	158,657,000	153,977,000	158,657,000	-40,898,000
Contingency fund		75,000,000	75,000,000	75,000,000	75,000,000	+75,000,000
Emergency funding	251,675,000					-251,675,000
(Limitation on direct loans)	(741,748,000)					(-741,748,000)
Administrative expenses	50,000,000					-50,000,000
Subtotal, emergency funding	301,675,000					-301,675,000
Total	501,230,000	177,362,000	233,657,000	228,977,000	233,657,000	-267,573,000
Surety bond guarantees revolving fund	14,600,000	14,000,000	13,020,000	13,160,000	13,020,000	-1,580,000
Total, Small Business Administration	1,652,125,000	563,467,000	859,069,000	817,821,000	835,277,000	-816,848,000
Total, title IV, Related agencies	2,336,589,000	1,429,154,000	1,727,807,000	1,457,712,000	1,781,168,000	-555,421,000
TITLE V - DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	2,021,225,000	2,131,107,000	2,151,333,000	2,016,035,000	2,134,000,000	+112,775,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Total	2,021,925,000	2,131,807,000	2,152,033,000	2,016,735,000	2,134,700,000	+112,775,000
Buying power maintenance					14,000,000	+14,000,000
Office of Inspector General	23,037,000	24,672,000	24,055,000	24,672,000	24,055,000	+1,018,000
Representation allowances	4,802,000	5,080,000	5,080,000	4,802,000	4,900,000	+98,000
Protection of foreign missions and officials	10,464,000	9,814,000	9,814,000	13,814,000	10,814,000	+350,000
Acquisition and maintenance of buildings abroad	545,000,000	600,231,000	526,819,000	562,000,000	570,500,000	+25,500,000
Rescission	-6,025,000					+6,025,000
New Diplomatic posts				25,000,000	25,000,000	+25,000,000
Emergencies in the diplomatic and consular service	7,000,000	8,500,000	8,500,000	7,500,000	8,000,000	+1,000,000
Repatriation loans program account	74,000	1,000,000	624,000	624,000	624,000	+550,000
(Limitation on direct loans)	(780,000)	(1,250,000)	(780,000)	(780,000)	(780,000)	
Administrative expenses	145,000	193,000	193,000	193,000	193,000	+48,000
Total	219,000	1,193,000	817,000	817,000	817,000	+598,000
Payment to the American Institute in Taiwan	13,784,000	15,543,000	15,543,000	15,543,000	15,543,000	+1,759,000
Payment to the Foreign Service Retirement and Disability Fund	112,983,000	119,082,000	119,082,000	119,082,000	119,082,000	+6,099,000
Total, Administration of Foreign Affairs	2,733,189,000	2,915,922,000	2,861,743,000	2,789,965,000	2,927,411,000	+194,222,000
International Organizations and Conferences						
Contributions to international organizations	749,665,000	820,495,000	820,495,000	820,495,000	820,495,000	+70,830,000
Arrearage payments	92,719,000	92,719,000	92,719,000	92,719,000	92,719,000	
Arrearage payments, advance appropriations, FY94		92,719,000				
Arrearage payments, advance appropriations, FY95		92,719,000				
Total	842,384,000	1,098,652,000	913,214,000	913,214,000	913,214,000	+70,830,000
Contributions for international peacekeeping activities	148,869,000	438,323,000	435,600,000	438,323,000	438,323,000	+289,454,000
Emergency supplemental (Foreign Ops CR)	(270,000,000)					(-270,000,000)
Arrearage payments	38,360,000	21,992,000	21,992,000	21,992,000	21,992,000	-16,368,000
Arrearage payments, advance appropriations, FY94		21,992,000				
Arrearage payments, advance appropriations, FY95		21,992,000				
Total	187,229,000	504,299,000	457,592,000	460,315,000	460,315,000	+273,086,000
International conferences and contingencies	5,500,000	5,600,000	5,600,000	5,600,000	5,600,000	+100,000
Total, International Organizations and Conferences	1,035,113,000	1,608,551,000	1,376,406,000	1,379,129,000	1,379,129,000	+344,016,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	11,400,000	12,722,000	11,265,000	11,172,000	11,330,000	-70,000
Construction	10,277,000	16,725,000	13,854,000	15,725,000	14,790,000	+4,513,000
American sections, international commissions	4,500,000	4,847,000	4,403,000	4,403,000	4,403,000	-97,000
International fisheries commissions	14,000,000	15,729,000	13,757,000	13,581,000	14,200,000	+200,000
Total	40,177,000	50,023,000	43,279,000	44,881,000	44,723,000	+4,546,000
Other						
United States Bilateral Science and Technology Agreements	4,500,000	5,200,000	4,500,000	5,000,000	4,500,000	
Payment to the Asia Foundation	16,000,000	17,018,000	16,368,000	17,018,000	16,693,000	+693,000
Russian, Eurasian, and East European research and training program	4,784,000	4,784,000	4,961,000	4,961,000	4,961,000	+177,000
Fishermen's protective fund	250,000					-250,000
Total	25,534,000	27,002,000	25,829,000	26,979,000	26,154,000	+620,000
Total, Department of State	3,834,013,000	4,601,498,000	4,307,257,000	4,240,954,000	4,377,417,000	+543,404,000
Fiscal year 1993	(3,834,013,000)	(4,372,076,000)	(4,307,257,000)	(4,240,954,000)	(4,377,417,000)	(+543,404,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	44,527,000	47,585,000	45,863,000	47,000,000	46,500,000	+1,973,000
Board for International Broadcasting						
Grants and expenses	212,491,000	220,000,000	220,000,000	220,000,000	220,000,000	+7,509,000
Israel relay station (rescission)	-5,000,000					+5,000,000
Automation of archives				12,000,000		
Total	207,491,000	220,000,000	220,000,000	232,000,000	220,000,000	+12,509,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	200,000	200,000	200,000	200,000	200,000	
International Trade Commission						
Salaries and expenses	42,434,000	45,152,000	45,152,000	44,152,000	44,852,000	+2,418,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
United States Information Agency						
Salaries and expenses	691,725,000	733,679,000	726,693,000	748,693,000	736,693,000	+44,968,000
Office of Inspector General	4,206,000	4,390,000	4,390,000	4,390,000	4,390,000	+184,000
Educational and cultural exchange programs	194,232,000	200,000,000	202,847,000	233,000,000	223,447,000	+29,215,000
Eisenhower Exchange Fellowship Program, trust fund	5,000,000	300,000	300,000	300,000	300,000	-4,700,000
Israeli Arab scholarship program		299,000	375,000	375,000	375,000	+375,000
Radio construction	98,043,000	106,113,000	101,180,000	106,113,000	103,647,000	+5,604,000
Broadcasting to Cuba	36,888,000	34,758,000	28,531,000	34,758,000	28,531,000	-8,357,000
East-West Center	24,500,000	24,500,000	25,306,000	26,000,000	26,000,000	+1,500,000
Russian Far East technical assistance center				4,000,000	2,000,000	+2,000,000
North/South Center	5,000,000	10,000,000	8,700,000	10,000,000	8,700,000	+3,700,000
National Endowment for Democracy	27,500,000	30,000,000	28,380,000	31,250,000	30,000,000	+2,500,000
Total	1,087,094,000	1,144,039,000	1,126,702,000	1,198,879,000	1,164,083,000	+76,989,000
Total, title V, Department of State and related agencies	5,217,009,000	6,059,724,000	5,746,424,000	5,764,435,000	5,854,302,000	+637,293,000
Fiscal year 1993	(5,217,009,000)	(5,830,302,000)	(5,746,424,000)	(5,764,435,000)	(5,854,302,000)	(+637,293,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
Grand total	22,992,456,000	23,858,164,000	22,304,145,000	23,273,504,000	23,214,927,000	+222,471,000
Fiscal year 1993	(22,992,456,000)	(23,628,742,000)	(22,304,145,000)	(23,273,504,000)	(23,214,927,000)	(+222,471,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
(Limitation on direct loans)	(2,742,463,000)	(302,983,000)	(442,490,000)	(466,563,000)	(466,563,000)	(-2,275,900,000)
(Limitation on guaranteed loans)	(4,843,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-456,017,000)
(Liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
(Availability of funds)	(250,000)					(-250,000)

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this conference report, and commend it to my colleagues without reservation.

In my history around here, we have never had a tougher bill to reconcile. We have never had a tougher budget year. Because, like it or not, the 1990 budget summit is resulting in reduced spending across every agency, and program, and office.

And while we patched up some important programs, in this conference, this bill will almost certainly evaluate in some hard decisions, some reductions and programs and staff, and some needed streamline. We have had to impose these cuts, and we are concerned about their impact.

Across our jurisdiction are agencies whose employees work at some of the most daunting task: Tripping up Columbian cocaine cartels, pushing United States goods on the Far East market, predicting with accuracy the intensity and accuracy the intensity and timing of severe storms. There are dedicated folks in these agencies going hard at these chores every day. And this bill is not meant to take anything away from what they do. But the reality is in our budget ceilings, under which we have stayed, putting together the best bill we can was tough to do.

Every attempt was made to move towards the President's requested budget for law enforcement and for the war on drugs. You will see that in conference we ended up with much higher numbers every key areas for the Justice Department, including fully funding new prison construction.

The conference agreement also boosts funding for export promotion in the new independent States, it provides the weather service with substantial increase for daily forecasting operations—as was requested and it funds the request for the multiyear modernization of weather service forecast and warning systems.

Finally, we continue two other Commerce programs that, in my view, are different, yet vital backstops for this Nation's economic development needs, the program of the EDA and the technology development programs within the National Institute of Standards and Technology.

Mr. Speaker, just as important as what is in this agreement, is what is not in it.

The House-passed bill linked Legal Services funding to the controversial House LSC reauthorization bill, which carried major changes in abortion policy, and presaged a certain veto of this bill. That provision is out, and this conference agreement maintains current law with respect to Legal Services and abortion—an extremely good outcome on this issue in my view.

The agreement drops a number of other controversial items, which would merely have served to set us back during the closing days of this session of Congress.

And lastly, the funding levels in the bill are below both the President's request and our own subcommittee allocations. This constrained us, for sure, but we hope the decisions are evenhanded, and in keeping with the priorities of the House.

A final word of thanks goes to the gentleman from Iowa, Mr. NEAL SMITH, our chairman, for his work, help and cooperation throughout this year; and to our staffs on both sides of the aisle, and to our House conferees, for their contributions and support.

Mr. WHITTEN. Mr. Speaker, our subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member [Mr. ROGERS], and members of this subcommittee have done a good job in developing this conference agreement. I commend my fellow subcommittee members for their effort and rise in support of the conference report.

This agreement provides for the major crime fighting and drug enforcement agencies of the Government—the Federal Bureau of Investigation, the Drug Enforcement Administration—and for the prison system and the judiciary. While we may not provide all some would like for these important programs, we have done the best we could under the budget ceiling.

The conference agreement provides funding for site and planning costs for the proposed Federal detention facilities at Yazoo City, MI.

The conference agreement also includes funds for economic development and for small business assistance. We need these programs to help get our economy moving again.

Mr. Speaker, again I commend the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS], along with their associates, for developing this conference report. I urge it be adopted.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage in a colloquy with the chairman of the House conferees regarding amendment No. 129 entitled "Military Useful Vessel Obligation Guarantees."

I was extremely gratified to note that in the report the conferees request the Secretary of Transportation and the Secretary of Defense to expedite the obligation of up to $3 million of the $48 million guarantee fund. This will defray costs connected with the pending loan guarantee application for the replacement of the sulphur tanker *Nordic Louisiana*.

However, Mr. Speaker, the conference report inadvertently states that the pending loan application is for $3 million, whereas the correct amount is approximately $43.7 million. The $3 million obligation referred to in the conference report is intended simply to cover the costs of the loan as required by section 502 of the Federal Credit Reform Act of 1990. Would the chairman be good enough, Mr. Speaker, to state whether my interpretation of the intent of the conference report is correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, that is correct. The $3 million figure in the statement of managers refers to the subsidy cost of loan guarantee as required by the Credit Reform Act of 1990.

Mr. TAUZIN. Mr. Speaker, I thank subcommittee chairman.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I wish to engage the chairman of the committee in a colloquy.

Mr. SMITH of Iowa. Mr. Speaker, I will be glad to respond.

Ms. PELOSI. Mr. Speaker, the conferees on the Commerce, Justice, State appropriation bill included $7 million for the marine sanctuaries sites program for fiscal 1993. Of this amount, we strongly urge the administration to provide a minimum of $410,000 to the Gulf of the Farallones National Marine Sanctuary. Even at this level the sanctuary will be operating with funding reduced nearly 30 percent from the $574,000 they received in fiscal 1990. I hope, and I ask the chairman, that next year, the subcommittee will look to restoring those higher funding levels for the Gulf of the Farallones.

Now I would like to propound a question to the chairman. It is my understanding that the conferees intended for the $300,000 earmark included in the conference report for the gulf of the Farallones National Marine Sanctuary be used to fund the continuation of the collaborative research program between the Gulf of the Farallones NMS and the Point Reyes Bird Observatory. Is that correct?

Mr. SMITH of Iowa. Yes; that is correct.

Ms. PELOSI. Mr. Speaker, I thank the chairman for his clarification and confirmation that that is correct.

Mr. Speaker, I rise in support of H.R. 5678, the fiscal year 1993 appropriations bill for Commerce, Justice, State, Judiciary, and related agencies.

I commend the chairman of the subcommittee, NEAL SMITH, and Representative HAROLD ROGERS, the ranking member, for their diligent efforts and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

These are difficult economic times and while I am disappointed we could

not do more in some parts of the bill, we all must recognize the need for belt tightening and support efforts to hold Federal spending in check. There are fewer dollars available now than were available a year ago and this means some programs must be cut, but we have tried in this bill to balance the need for spending restraint with the need to fund important programs.

The conference report is a tremendous improvement over the bill passed by the House in July. The conferees restored much of the deep cut the House bill proposed in funding for our Nation's coastal programs. The agreement provides $43.225 million for coastal zone management programs and $7 million for the Nation's marine sanctuary sites program, money that will help protect these precious natural resources.

Another important item in the conference report is funding for the Asia Foundation, an institution which plays an important role in stimulating democratic development in Asia. The conferees provided $16.693 million for the Asia Foundation next year, an increase of nearly $700,000 from the fiscal 1992 level.

The conference agreement also calls on the National Institutes of Justice within the Justice Department to develop a constitutional and enforceable model antistalking law for adoption by States to protect victims targeted by stalkers.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman SMITH and the subcommittee for the excellent work they have done under very difficult fiscal constraints. I urge my colleagues to join me in supporting this legislation.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

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Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the bill, not because the chairman and the ranking Republican on the committee did not do their best, because I know they always do, but because this bill contains additional wasteful spending that we cannot tolerate right now because of the huge deficits this country is facing.

Mr. Speaker, this bill is $23.2 billion, which is $928 million or 4.2 percent above fiscal year 1992. It is $910.8 million or 4.1 percent above the House-passed bill.

In title II, amendment No. 78, the National Oceanic and Atmospheric Administration construction account is $94½ million, which is $59 million, over three times as high as fiscal year 1992. It is $40 million above the President's request, 74 percent, and it is $43 million or 84 percent above the bill we passed out of the House here earlier in the year.

There are pork barrel projects which were added in conference committee which were not funded in 1992 and not requested by the administration.

There is a million dollars in there for a Boston biotechnology innovation center. I do not mind Boston having that, but I think they ought to pay for it themselves. There is a million dollars in there for the Connecticut Maritime Education and Research Center at Mystic Seaport Museum in Mystic, CT. I do not mind them having that, but I think the people of Connecticut ought to pay for that.

The Small Business Administration salaries and expense accounts in title IV, amendment 136, contains $248.8 million. That is $13 million above 1992. It is $83 million, or 50 percent, higher than the President's 1993 budget request. This is $14.83 million above the House-passed bill we passed earlier in this year. That is 6 percent higher.

And then there is the following pork barrel projects which were added in conference, not funded in fiscal year 1992 and not requested by the President.

There is $1½ million for Worcester, MA, Centrum and Exhibition Hall, $100,000 for the Pittsburgh district video pilot project, $500,000 for the Ohio Development of International Trade; Morgan County, KY, High School, $1 million; Vermont Small Business Development, $1 million; Kansas Small Business Development, $500,000; Hazard Community College in Hazard, KY, $750,000; Canisius College Center, $150,000; Washington State University Research, $500,000; and St. Vincent College in Latrobe, PA, a Center for Global Competitiveness, $800,000.

The problem we have, Mr. Speaker, is that we are headed toward a $13½ trillion national debt, and we will not even be able to pay with income taxes the interest on the debt if we do not cut this spending. We have got to cut out the pork barrel projects.

For that reason, Mr. Speaker, I urge my colleagues to take a close look at this bill and to vote against it.

Mr. SMITH of Iowa. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, first this Member would like to express the appreciation to the chairman, the distinguished gentleman from Iowa [Mr. SMITH], and the ranking minority member, the distinguished gentleman from Kentucky [Mr. ROGERS] for their excellent work and for their support for export promotion in this appropriations bill.

As cochairman of the House Export Task Force, this Member rises in strong support of this conference report as importantly it restores funding to the Department of Commerce's International Trade Administration. Importantly, conferees have recognized the fundamental importance of promoting U.S. products abroad, and therefore have allocated an additional $19.8 million to the House-passed bill for this extremely important agency.

The International Trade Administration is perhaps one of the most important agencies for U.S. economic growth. International trade is extremely vital to our economic future, and it has become increasingly clear that in order for the United States to remain the world's economic leader, we must aggressively pursue a strategy of exporting our products and competitively trading our goods and services throughout the world.

Although overall U.S. growth has been nearly stagnant, we continue to enjoy record growth in sale of our goods, commodities, and services overseas. Much of that recent success is due to an aggressive export strategy implemented by the ITA. The ITA's U.S. Foreign Commercial Service places our export promotion offices where they are needed—in the country where U.S. businesses are trying to sell their products. Having a United States presence in these countries is especially important in developing markets such as Eastern Europe, Southeast Asia, and the newly Independent States of the former Soviet Union. Without such a presence, U.S. businesses would be sacrificing these promising markets to foreign competitors.

Those foreign competitors are currently enjoying their own government's support in selling their products throughout the world, and those governments are currently outspending the United States in export promotion activities. Mr. Speaker, the decision by conferees to increase funding for the International Trade Administration is an important recognition that the United States will compete aggressively for these markets, that we will compete for export-related jobs here in the United States, and that we will compete to remain the world's economic leader.

Overall, this legislation deserves the support of the House and I urge my colleagues to cast an "aye" vote.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Arkansas [Mr. ALEXANDER] I want to say that he is one member of the subcommittee that knows he is not coming back. The rest of us do not know whether or not we are coming back. But I would like to state that the gentleman from Arkansas has been a very valuable member of this subcommittee for a good many years, and we are sorry to see him leave.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] very much. I just feel like I am graduating, and I may be back.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I would like to take just a moment, if I could, to make one comment, and then I would like to engage the chairman, the gentleman from Iowa [Mr. SMITH], in a colloquy, if I may, about a matter that was adopted in the debate on the bill when it was originally enacted by the House.

First of all, I cannot help but make one observation concerning the incessant preoccupation of some Members on the question of pork. This bill contains what some people would refer to as pork. The chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], has always observed that pork are those things that people in Washington cannot see from atop the Washington Monument. When the President of Russia spoke to the joint session of Congress this year, he said, and I quote, that even the most benevolent intentions will inevitably be abandoned and committed to oblivion if they are not translated into everyday efforts, and that is the end of the quote. This and many other bills from the Committee on Appropriations translate benevolent intentions into everyday efforts, and there are a number of everyday projects that this bill helps translate.

For example, I learned yesterday that the Economic Development Administration approved, under the current year funding, not next year's funding, $1.3 million for the construction of a wastewater treatment facility in a little town named Cotton Plant, AR, that has double digit unemployment. That was a last link in the chain of events necessary to attract a catfish processing plant that would provide market assistance for the farmers that raise catfish in that area, a multimillion dollar industry, and about 60 jobs to the unemployed people in that region. In a very short period of time that Federal investment of $1.3 million will be repaid by taxes made from income from people who will be employed in that facility.

Mr. Speaker, that is pork, and it is with a great deal of pride that I associate myself with the Committee on Appropriations and all matters that have had to do with creating jobs for our people in this country.

The gentleman might observe that this election this year is about jobs, and about the economy and the absence of a national economic policy that creates capital investment and creates jobs for our people.

Having said that, Mr. Speaker, I would like to engage the chairman of the subcommittee in a very short colloquy concerning an amendment that was adopted during the debate when this bill was passed in the House for a guaranteed loan program for construction of certain vessels that would come under the Maritime Administration. It is my understanding that under the maritime title XI loan guarantee program that up to $15 million my be used to guarantee loans for methanol plant ships that have been studied by contract with the Department of Transportation because they make a valuable contribution to national security in times of war by providing fuel and fuel storage capacity.

□ 1100

Mr. Speaker, let me ask the subcommittee chairman, is it his understanding that the Maritime Administration may consider such an application under the title XI loan guarantee program?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, let me say to the gentleman that that is correct.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, first I want to say, with regard to the budget numbers in the 602(b) allocation, that this conference is below the budget authority in every category. In defense, it is $141,000,000 below on budget authority and $164,000 on outlays. In the international section, it is $3,600,000 below on budget authority and $202,000 below on outlays. On the domestic allocation, it is $228,700,000 below on budget authority and $127,000 below in outlays.

So in almost every category it is below what was provided in the 602(b)'s, as well as the budget resolution and the budget agreement, and also below the President's number.

On another matter, I wanted to commend the chairman and the ranking member for their help in restoring funding with regard to the Marine Protection Program. That was an area that we were concerned with in terms of the House number as well as the Senate number. The conference moved up and provided $7 million with regard to the National Marine Protection Program. This is extremely important because this year three programs were added, including Monterey Bay. We just dedicated the Monterey Bay National Marine Sanctuary as the largest sanctuary running from the Farallones down to the coast of Big Sur. Since it is an onshore sanctuary, it demands a great deal of attention, and obviously funding for it is extremely important to make it work well not only as a model sanctuary but as something to truly protect our marine sciences.

So, Mr. Speaker, I want to commend the chairman and the ranking member for their help in restoring funding to the Marine Sanctuary Program because I think this is truly one of the key programs for the future in terms of marine sciences.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for that statement, and let me say that I would like to get out there and see the sanctuary between earthquakes.

Mr. PANETTA. We would be happy to have the gentleman.

Ms. LONG. Mr. Speaker, I rise in support of the conference report. Within the funding for the Department of Commerce, the conferees included a thoughtful level of funding for National Weather Service [NWS] operations which will enable the continuation of around-the-clock weather forecasting services nationwide. I generally support the planned NWS modernization. However, it is imperative that fully funding NWS operations be continued until the installation of the new forecasting technologies are in place and clearly demonstrate equally accurate forecasting services as currently provided.

Representing a rural, agricultural congressional district, accurate weather services have proven time and again to be extremely beneficial to farmers and their ability to maintain a healthy agricultural industry, ensuring quality commodities for our Nation's markets. In addition, my constituents experience flooding year after year and more recently experienced a damaging tornado. We must not deny these, or any other residents, important forecasting services which help to initiate thoughtful safety precautions and alleviate unnecessary suffering and hardship due to natural conditions and disasters. This service was effectively demonstrated during the passing of Hurricane Andrew earlier this year.

Furthermore, Mr. Speaker, providing the level of funding contained in the conference report will potentially reduce future natural disaster damage assessments, thereby reducing Federal disaster payment obligations, while, more importantly, reducing unnecessary casualties.

For these reasons, I urge my colleagues to support the conference agreement.

Mr. CARR. Mr. Speaker, I rise to amplify the provision of this bill agreed to in conference which limits the acquisition of tankers and other vessels for the Ready Reserve Force to those available from U.S. sources where adequate numbers of such vessels are available. This provision was a compromise with the Senate which had prohibited the acquisition of ships not registered in the United States on or before January 1, 1992. When the conferees confined the procurement of RRF vessels to those from U.S. sources, they meant that such vessels would be owned by Americans, registered under our laws, and built in this country. In other words, it was the conferees' intent that these be truly U.S. vessels.

Mr. BROWN. Mr. Speaker, I rise in support of the conference report.

As chairman of the Committee on Science, Space, and Technology, I am particularly interested in those programs in the bill which are authorized by our committee, including the National Institute of Standards and Technology [NIST], the National Oceanic and Atmospheric

Administration [NOAA], and certain international scientific programs of the Department of State [DOS].

At the outset, I want to commend the conferees for the excellent job that they did in balancing the competing priorities in this bill. There is no question that this bill requires additional funding to address all these priorities, and the conferees have acted judiciously in meeting these needs to the extent possible.

For example, despite a tight allocation, the conferees were able to provide substantial increases for both the core NIST programs and the external programs by which NIST provides technology development grants and extension services to U.S. industry, especially high-technology industries. There is a growing consensus in this country and in this Congress of the importance of cooperative Government-industry programs to promote excellence in U.S. industry, especially manufacturing industries. That consensus was demonstrated dramatically last week when the House passed the National Competitiveness Act by a veto-proof margin of 287 to 122. The conferees have done well to fund these programs at the levels that they have.

For NOAA, the conferees have also actly wisely. I applaud their strong support for the continued modernization of the National Weather Service and their wisdom in moving aggressively to protect the Polar-Orbiting Weather Satellite Program from the sort of mismanagement that currently plagues the Geostationary Weather Satellite Program.

At the same time, I want to take this opportunity to express my concerns about the way in which the appropriations process continues to impinge upon the functions of the authorizing committees of the House. The greatest frustration that I have found in my first term as chairman of the Science Committee has been in attempting to deal with the other body on authorizing legislation. The Appropriations Committee is not an exclusive assignment in the Senate, and we often have difficulty persuading those Members of the Senate with overlapping committee assignments to focus on authorizing legislation. Often, these Members prefer to legislate in appropriations bills, which by their nature and by the rules of both Houses, are more protected from debate, amendment, and perfection than are corresponding authorizing bills. These are matters on which a number of chairmen of House authorizing committees have proposed reforms of the Rules of the House, and I would refer colleagues to page H 9457 of the September 25 CONGRESSIONAL RECORD, where I have attached a copy of our proposals for reforming the appropriations process.

I must say that the gentleman from Iowa [Mr. SMITH] has been sensitive to our concerns in this area, and has responded to the request of the authorizing committees to delete certain legislative language from the bill. We appreciate his willingness to work with us to correct this problem.

Despite this, however, I continue to be concerned about the disturbing trend in recent appropriations bills and reports toward proliferation of unauthorized, location-specific earmarks for academic research and facilities. This practice of academic pork barreling has exacerbated an already fierce competition for scarce research funding. These earmarks are justifiable neither by geographic inequities nor by an unfair and undemocratic "old boys" network. They are in fact nothing more than a reflection of the power of a few well-placed Members of the Appropriations Committee. Earmarks not only destroy fair competition in scientific awards; they also reflect poorly on the integrity of the appropriations process and on the institution of the House.

Over the past 2 weeks, the House has been able to vote on—and to strike—earmarks of this sort that appeared de novo in two appropriations conference reports. The rules permitted us to vote on these matters because the projects and the legislative language were reported in technical disagreement. I recognize that those were probably the last two appropriations conference reports on which the House will be able to take this sort of action this year. As we rush to adjourn, the rules granted for the remaining conference reports will look like this rule—that is, all amendments in technical disagreement which contain earmarks or legislative language from the Senate will be rolled into the conference report and protected by the rule from any points of order.

Under normal circumstances and under a normal rule, I would have been inclined to seek a House vote on some of the academic earmarks contained in this bill, particularly those in the NOAA facilities account. I grudgingly accept the fact that the rule does not permit this. The only choice we are given is to accept or reject the conference report as a whole, up or down. I don't want to defeat this conference report and I don't think that most Members want to do that.

But, as I said on the floor last week, we in the 102d Congress need to begin to reform this process, or we will find the 120 to 150 new Members of the House doing it for us next year.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5678, the bill that will fund the Commerce, Justice, and State Departments, the Federal judiciary, and related agencies for fiscal year 1993.

First, I would like to once again commend the chairman of the subcommittee, Congressman NEAL SMITH, for his diligent efforts on behalf of this legislation. I know all too well the fiscal constraints that he had to face, especially this year, as he drafted this bill. I would also like to compliment the ranking member of the subcommittee, Congressman HAROLD ROGERS, for his outstanding efforts, and the subcommittee staff for their tireless work in bringing this bill to the floor today.

Most of us do not realize the enormous scope of the programs that are in this bill. H.R. 5678 supports assistance grants to local law enforcement agencies, as well as law enforcement efforts against organized drug crime. It funds fisheries, as well as marine, weather, environmental and satellite programs, and conservation and management activities, and assistance to States. H.R. 5678 also funds planning and construction grants for public television, radio and nonbroadcast facilities—important public service programs for which the administration had requested no funding at all.

The Small Business Administration [SBA]—known for its direct and guaranteed loan assistance to small businesses—is also supported by this bill, which includes a provision that expresses the sense of the Congress that recipients of funds under the bill should buy American-made products.

A key provision in the bill that is of tremendous importance to my district and its surrounding areas is the provision that funds the Sacramento River Winter Run Chinook Salmon Captive Broodstock Program. Consequently, I would like to take this opportunity to thank the subcommittee for its priority consideration of this particular program, which will support efforts to protect and accelerate the recovery of the winter run chinook salmon. As many in my district know, the winter run chinook salmon have been listed as threatened under the Endangered Species Act [ESA]. Their precarious status makes a successful recovery program, which will protect and accelerate their recovery, of vital importance to the area. A successful program will improve our local economy by alleviating the stress on the fishing industry and agricultural water diversions, and it will enhance recreational benefits. Ultimately, I hope this program will be successful in removing the winter run from the ESA list as well.

The goal of the captive breeding program is to breed winter run chinook salmon under controlled conditions until they become reproductively mature adults. Mature adults would then be used as hatchery broodstock for continued propagation of the species. Under the captive breeding program, approximately 1,000 juvenile fish would be transferred from the Coleman National Fish Hatchery and raised to maturity at two research facilities—Steinhart Aquarium in San Francisco and the University of California at Davis [UCD] Bodega Bay Marine Laboratory—and returned to Coleman as broodstock. The Steinhart Aquarium could hold up to 250 juvenile chinook salmon for extended periods in salt water, and the UCD facility could provide up to 750 juveniles reared in both freshwater and saltwater. Ideally, the program would produce 200 mature broodstock each year. This effort, which is considered a supplement to, and not a replacement for, attempts to increase natural production, has the broad support of commercial and sport fishing organizations, environmental organizations, and the agriculture community.

I would once again like to commend the chairman, members, and staff of the subcommittee for their tireless work on this bill. Due to reduced funding, the subcommittee was forced to make very difficult decisions when it came to allocating money for the important domestic programs that this bill supports. However, the subcommittee has made the necessary hard choices and set good priorities. The result is a well-balanced bill that supports the quality of our lives as Americans. The programs in H.R. 5678 safeguard our children, neighborhoods and communities, and preserve our resources. They protect our industries, both locally and globally, and help us maintain our position as an international leader—economically, socially, and politically. I urge my colleagues on both sides of the aisle to support its final passage.

Mr. ROGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 117, not voting 13, as follows:

[Roll No. 448]

YEAS—302

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Gordon
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Hyde
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Oxley
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schumer
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spence
Spratt
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weber
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—117

Allard
Allen
Archer
Armey
Baker
Ballenger
Barton
Bilirakis
Boehner
Bunning
Burton
Callahan
Campbell (CA)
Campbell (CO)
Coble
Coleman (MO)
Combest
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
English
Erdreich
Fawell
Fields
Gallegly
Glickman
Goss
Gradison
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Inhofe
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kyl
Lagomarsino
Leach
Lewis (FL)
Marlenee
McCollum
McEwen
McGrath
McMillan (NC)
Miller (CA)
Miller (OH)
Molinari
Moorhead
Murphy
Neal (NC)
Nichols
Nussle
Orton
Owens (UT)
Packard
Pallone
Penny
Peterson (MN)
Petri
Porter
Ramstad
Rhodes
Ridge
Roberts
Roemer
Rohrabacher
Roth
Roukema
Santorum
Sarpalius
Schaefer
Schroeder
Schulze
Sensenbrenner
Sharp
Shays
Sikorski
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stark
Stearns
Stump
Tallon
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vento
Walker
Walsh
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Anthony
Barnard
Dymally
Goodling
Guarini
Huckaby
Lipinski
McCrery
Pease
Sanders
Saxton
Shuster
Staggers

□ 1127

Mr. HEFLEY and Mr. CONDIT changed their vote from "yea" to "nay."

Mr. POSHARD and Mr. LIVINGSTON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT OF, H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. Upon the adoption of the conference report the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 2.

SEC. 2. *Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

□ 1130

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 583 is the rule providing for the consideration of the conference report on H.R. 5488, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993.

Under the rules of the House, conference reports are considered privileged. The rule waives all points of order against the conference report and against its consideration. In these last

days of the session, these waivers are necessary to move the conference report in the most expeditious manner possible.

The rule also provides that the House, upon adoption of the conference report, will be considered to have adopted a concurrent resolution—the text is included in section 2 of the rule—directing the Clerk of the House to make certain corrections in enrollment. This provision reflects an agreement reached between the appropriations committee and the authorizing committee.

Mr. Speaker, I commend my colleagues on the Appropriation Committee for their work on this measure and in particular, I thank my good friend from California, Mr. ROYBAL, who after many years of outstanding service in Congress is retiring. We shall miss him and the good work he had done for us.

Mr. Speaker, I urge my colleagues to approve this rule so that we may act today on this conference report.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from California has ably explained the provisions of the rule.

Mr. Speaker, again we have a rule waiving all points of order—this time for the consideration of the conference report on the appropriations bill for the Treasury, the U.S. Postal Service, the Executive Office of the President and certain independent agencies.

This bill is well within the funding limits which are acceptable to the President. Funds are included to modernize the tax system of the Internal Revenue Service, to continue the critical work of the Office of National Drug Control Policy, and for the operations of several other independent agencies.

As I've said before, I do not endorse this practice of granting blanket waivers because it prohibits Members from addressing specific items which may be included in a conference report—some of which may never have been debated here in the House.

However, I will not oppose the rule, and I urge its prompt adoption so we can proceed with the consideration of this bill.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of this conference report and would like to speak to a specific provision that cuts off funding for the program administered by the Bureau of Alcohol, Tobacco, and Firearms that puts guns back in the hands of convicted felons.

The issue here is whether we want to spend millions of taxpayer dollars rearming convicted felons or do we think BATF's time and money is better spent fighting violent crime.

Under current law a person cannot lawfully possess, ship, receive or transport firearms if they have been convicted of a felony, committed to a mental institution, dishonorably discharged from the military, renounced citizenship or found to be a drug addict. However, there is a provision in the law that allows these people to apply to BATF for what they call disability relief. BATF is then obligated to conduct extensive and expensive background investigations and make a guess as to whether or not the felon or mental incompetent is likely to be dangerous in the future.

This provision was originally intended to apply to a company that had an institutional conviction and was precluded from purchasing a firearms manufacturing firm. But it has now gotten totally out of hand.

BATF spends about $4 million per year and uses 40 man years annually on this program. From 1985 to 1991 BATF spent more than $21.7 million. From 1985 to 1990 there were 7,261 applications that resulted in 2,307 approvals. Some of these rearmed felons, about 4 percent on average, then commit additional crimes.

Earlier this session I released the list of 47 convicted felons who had been rearmed under this program between 1982 and 1988 and then went on to commit additional crimes. I have just obtained the update of this list covering the period between November 1988 to present. This list shows that people convicted of violent crimes, drug offenses and firearms violations are having their gun rights restored. And during this period 33 of them were rearrested. Available records show that of these at least 21 resulted in convictions. These include a Michigan man who have a conviction of a firearms violation and was subsequently convicted of drug distribution after having his gun rights restored. An Oregon burglar was given his gun rights back and then was convicted of selling drugs. A Kentucky man who dealt in stolen property was given his gun back and he is now serving 7 years in prison for burglary, theft and for being a repeat offender. And there are more.

Mr. Speaker, remember what we are talking about—these are convicted felons who are not entitled to possess weapons who the Government is allowing to rearm. These felons have included people convicted of violent, drug and firearms offenses. And they are getting their guns back. BATF does the best it can to administer this law but they are not mind readers. They should be arresting felons not arming them.

I chair the authorizing subcommittee that has jurisdiction over this statutory provision and I fully support the defunding of this program. If you are for giving felons guns, then you are against this bill. I, for one, think it is time we put an end to that madness and this bill does just that. I urge my colleagues to support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I will not ask for a vote on this rule, but I would like to point out to my colleagues, and I hope they are paying attention, this bill is $2.65 billion higher than last year. That is $2,650 million higher than last year's spending bill or a 13.4 percent increase over last year.

We have fiscal problems in this country. They are going to get worse if we do not get control of spending.

I would like to say to my colleagues that we should not pass a rule through the Rules Committee that waives all points of order so we cannot get at these pork barrel projects that are wasting so much of the taxpayers' money. And this bill does waive all points of order. I think we should admonish the Rules Committee to reconsider these things, and in the future I do not know if we will win or not, but we are going to try to get them to. But I will not ask for a vote on this, but I will ask for a vote on the bill when it comes to the floor.

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1140

Mr. ROYBAL. Mr. Speaker, pursuant to House Resolution 583, I call up the conference report on the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28324.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, before I start with a brief explanation of the bill, I would like to take this time to thank the members of the subcommittee, for the support that they have given me throughout the last 2 years. I want to thank them for their dedicated service, thank them also for the great interest that they have in doing what is best for this country. It has been a great honor to serve with them, and may I say that serving with men and women of that caliber is not only a pleasure but a real privilege.

I think that I can say that the men and women on this subcommittee and as well as the whole committee are individuals that really care about this country and about their constituents, and I wish to thank them for the great job that they have done.

I want to specifically point out the fact that the ranking minority member, the gentleman from Virginia [Mr. WOLF], has been very cooperative. Yes, we have had disagreements, Mr. Speaker, like we have on everything in this House, but the truth of the matter is that we were able to work out those disagreements, and we have done that in a friendly manner, keeping in mind at all times the best interests of the country. Having served with the gentleman from Virginia [Mr. WOLF] and the others, it is a real pleasure, and may I thank them, and the members of the subcommittee, the gentleman from Maryland [Mr. HOYER], the gentlewoman from California [Ms. PELOSI], the gentleman from Texas [Mr. COLEMAN], the gentleman from Colorado [Mr. SKAGGS], the gentleman from Indiana [Mr. VISCLOSKY], the chairman of the committee, [Mr. WHITTEN], the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS], and the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, the conferees have reached agreement on H.R. 5488, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1993.

I think we all know that such a conference is not an easy matter, as we have certain fiscal restraints with which all Members are familiar, but these fiscal restraints forced the conferees to agree to some funding levels that each and every one of us personally wished could have been higher.

On the whole, however, the conference report before the House will fund the agencies in this bill at a level which will enable them to perform their assigned functions in a reasonable manner.

H.R. 5488 provides a total of $22.5 billion in new budget authority for the agencies under this bill for fiscal year 1993. The conference agreement is below the 602(b) allocations for both budget authority and outlays. I am inserting in the RECORD a table providing details of this conference report.

Mr. Speaker, H.R. 5488 funds Federal agencies deeply involved in the war on drugs. The conference report before you provides funding for a number of law enforcement agencies such as the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the Internal Revenue Service, and others.

The conference report contains funds and support for the Director of the Office of Drug Control Policy in his efforts to provide policy and other guidance for the war on drugs.

One of the most difficult reductions that we had to make in this bill, in my opinion, was the revenue forgone appropriation to the Postal Service. We were, however, able to provide the full amount requested by the President. In addition, the conferees agreed on language to prevent rate increases in fiscal 1993 for nonprofit mailers.

Revenue forgone is a very important item in this bill. It does, in fact, provide support and does provide lower rates for nonprofit mailers. Even though we were not able to provide the full funding that we originally had in mind, we were able to provide the level recommended by the President, and at the same time were able to place a provision in the bill that would prohibit increases in rates for those preferred rate and nonprofit mailers in this country.

In general, the conferees endeavored to fund all agencies at a level that would enable them to continue their operations at a reasonable level.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I would like to recommend this report to Members of the House. I believe that it is fair. It is well done. I would like to request that the Members support it because of its content and what it means and what it is about and what it does.

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses	68,238,000	73,093,000	68,238,000	68,238,000	71,202,000	+2,964,000
International affairs	33,325,000	34,402,000	33,325,000	33,492,000	33,408,000	+83,000
Office of Inspector General	24,835,000	31,459,000	31,459,000	24,835,000	29,147,000	+4,312,000
Total, Departmental offices	126,398,000	138,954,000	133,022,000	126,565,000	133,757,000	+7,359,000
Financial Crimes Enforcement Network	18,055,000	19,987,000	19,087,000	18,342,000	18,342,000	+287,000
Federal Law Enforcement Training Center:						
Salaries and expenses	39,645,000	42,936,000	41,236,000	48,538,000	47,158,000	+7,513,000
Acquisition, construction, improvements, and related expenses	8,309,000	12,386,000	10,886,000	12,301,000	12,301,000	+3,992,000
Total, Federal Law Enforcement Training Center	47,954,000	55,322,000	52,122,000	60,839,000	59,459,000	+11,505,000
Financial Management Service	231,500,000	219,146,000	214,146,000	214,069,000	214,069,000	-17,431,000
Bureau of Alcohol, Tobacco and Firearms	336,040,000	357,419,000	355,419,000	371,324,000	366,372,000	+30,332,000
United States Customs Service:						
Salaries and expenses	1,266,305,000	1,324,070,000	1,331,070,000	1,326,417,000	1,315,917,000	+49,612,000
Operation and maintenance, air and marine interdiction programs	175,932,000	138,983,000	136,783,000	83,242,000	83,242,000	-92,690,000
Operations and maintenance, Customs P3 program	.....	.....	.....	28,000,000	28,000,000	+28,000,000
Air and marine interdiction programs, procurement	.....	.....	.....	21,174,000	21,174,000	+21,174,000
Customs facilities, construction, improvements and related expenses	12,100,000	.....	.....	4,600,000	4,600,000	-7,500,000
Customs forfeiture fund (limitation on availability of deposits)	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	.....
Customs services at small airports (to be derived from fees collected)	2,981,000	1,500,000	1,500,000	1,500,000	1,500,000	-1,481,000
Total, United States Customs Service	1,472,318,000	1,479,553,000	1,484,353,000	1,479,933,000	1,469,433,000	-2,885,000
United States Mint	52,450,000	54,208,000	52,450,000	53,551,000	53,001,000	+551,000
Expansion and improvements	.....	.....	.....	.....	.....	.....
Bureau of the Public Debt	189,000,000	201,233,000	189,000,000	194,643,000	194,643,000	+5,643,000
Payment of government losses in shipment	.....	500,000	.....	500,000	500,000	+500,000
Internal Revenue Service:						
Administration and management	141,372,000	160,948,000	157,368,000	150,728,000	157,368,000	+15,996,000
Processing tax returns and assistance	1,657,944,000	1,648,960,000	1,648,960,000	1,634,298,000	1,634,298,000	-23,646,000
Tax law enforcement	3,579,879,000	3,852,588,000	3,835,192,000	3,835,501,000	3,835,347,000	+255,468,000
Information systems	1,294,713,000	1,580,865,000	1,566,909,000	1,480,341,000	1,480,341,000	+185,628,000
Total, Internal Revenue Service	6,673,908,000	7,243,361,000	7,208,429,000	7,100,868,000	7,107,354,000	+433,446,000
United States Secret Service	475,423,000	470,372,000	470,372,000	467,938,000	469,155,000	-6,268,000
Total, title I, Department of the Treasury	9,623,046,000	10,240,055,000	10,178,400,000	10,088,572,000	10,086,085,000	+463,039,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund 1/	470,000,000	121,912,000	200,000,000	200,000,000	121,912,000	-348,088,000
Payment to the Postal Service Fund for nonfunded liabilities	40,575,000	38,614,000	38,614,000	38,614,000	38,614,000	-1,961,000
Total, title II, Postal Service	510,575,000	160,526,000	238,614,000	238,614,000	160,526,000	-350,049,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	.....
The White House Office	34,885,000	36,561,000	32,897,000	35,185,000	35,385,000	+500,000
Executive Residence at the White House	8,362,000	7,684,000	7,072,000	7,598,000	7,598,000	-764,000
Official Residence of the Vice President	324,000	337,000	306,000	324,000	324,000	.....
Special Assistance to the President	2,932,000	3,150,000	2,765,000	2,932,000	3,150,000	+218,000
Council of Economic Advisers	3,345,000	3,508,000	3,154,000	3,345,000	3,428,000	+83,000
Office of Policy Development	3,701,000	3,882,000	3,490,000	3,701,000	3,772,000	+71,000
National Security Council	6,145,000	6,218,000	5,631,000	6,118,000	6,118,000	-27,000
National Critical Materials Council	235,000	247,000	.....	247,000	235,000	.....
Office of Administration	24,510,000	24,518,000	22,941,000	24,438,000	24,438,000	-72,000
Office of Management and Budget	51,934,000	54,479,000	48,974,000	51,934,000	52,981,000	+1,047,000
Office of Federal Procurement Policy	3,058,000	3,208,000	2,884,000	3,058,000	3,058,000	.....
Office of National Drug Control Policy:						
Salaries and expenses	105,122,000	68,348,000	62,566,000	103,248,000	103,248,000	-1,874,000
Counter Drug Tech Assessment Center (DoD)	20,000,000	.....	.....	20,000,000	.....	-20,000,000
Special forfeiture fund	52,500,000	67,401,000	56,816,000	82,542,000	75,742,000	+23,242,000
Transfer to DoD	.....	.....	.....	-20,000,000	.....	.....
Federal Law Enforcement Training Center, ACIR	.....	.....	.....	(9,000,000)	(5,000,000)	(+5,000,000)
ADAMHA (by transfer)	(19,000,000)	(34,701,000)	(32,723,000)	(34,701,000)	(33,701,000)	(+14,701,000)
INS (by transfer)	(7,500,000)	(10,300,000)	(2,027,000)	(8,300,000)	(7,000,000)	(-500,000)
U.S. Marshals Service (by transfer)	.....	.....	(2,829,000)	.....	(2,500,000)	(+2,500,000)
IRS tax law enforcement (by transfer)	(6,000,000)	.....	.....	.....	.....	(-6,000,000)

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488) - Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
DOJ - Bureau of Justice Assistance					(2,000,000)	(+2,000,000)
CTAC (by transfer)					(15,000,000)	(+15,000,000)
Total, Office of National Drug Control Policy	177,622,000	135,749,000	119,382,000	185,790,000	178,990,000	+1,368,000
Unanticipated needs	1,000,000	1,000,000	754,000	1,000,000	1,000,000	
Total, title III, Executive Office of the President	318,303,000	280,791,000	250,500,000	325,900,000	320,727,000	+2,424,000
(By transfer)	(32,500,000)	(57,401,000)	(47,386,000)	(62,542,000)	(75,742,000)	(+43,242,000)
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	2,227,000	2,327,000	2,314,000	2,327,000	2,314,000	+87,000
Advisory Commission on Intergovernmental Relations	1,330,000	1,401,000	1,891,000	1,330,000	1,820,000	+490,000
Citizens' Commission on Public Service and Compensation		250,000	250,000	250,000	250,000	+250,000
Advisory Committee on Federal Pay						
Committee for Purchase from the Blind and Other Severely Handicapped	1,446,000	1,653,000	1,653,000	1,653,000	1,653,000	+207,000
Federal Election Commission	18,808,000	21,031,000	20,531,000	21,031,000	21,031,000	+2,223,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	271,000,000		402,040,000	353,516,000	330,501,000	+59,501,000
Unobligated balances		336,159,000				
Limitation on availability of revenue:						
Construction & acquisition of facilities	(548,482,000)	(600,953,000)	(684,952,000)	(670,377,000)	(626,312,000)	(+77,830,000)
Repairs and alterations	(569,251,000)	(594,066,000)	(583,255,000)	(594,066,000)	(594,066,000)	(+24,815,000)
Installment acquisition payments	(144,587,000)	(145,381,000)	(145,381,000)	(145,381,000)	(145,381,000)	(+794,000)
Rental of space	(1,568,900,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(+329,791,000)
Real property operations	(1,071,372,000)	(1,174,337,000)	(1,170,000,000)	(1,073,363,000)	(1,130,871,000)	(+59,499,000)
Program direction	(137,748,000)	(144,973,000)	(142,000,000)	(142,000,000)	(142,000,000)	(+4,252,000)
Design and construction services	(112,273,000)	(195,931,000)	(195,930,000)	(179,930,000)	(179,930,000)	(+67,657,000)
Total, Federal Buildings Fund	271,000,000	336,159,000	402,040,000	353,516,000	330,501,000	+59,501,000
(Limitations)	(4,152,613,000)	(4,754,332,000)	(4,820,209,000)	(4,703,808,000)	(4,717,251,000)	(+564,638,000)
Federal Supply Service	54,605,000	56,570,000	56,070,000	56,217,000	56,144,000	+1,539,000
Information resources management service	46,014,000	45,991,000	45,787,000	47,051,000	46,419,000	+405,000
Federal Property Resources Service	14,227,000	13,933,000	13,933,000	13,933,000	13,933,000	-294,000
Real property relocation	12,000,000					-12,000,000
General management and administration	31,155,000	37,918,000	31,155,000	34,275,000	34,000,000	+2,845,000
International Cultural and Trade Center Commission (by transfer from GMA)	(724,000)					(-724,000)
International Cultural and Trade Center						
Office of Inspector General	35,994,000	34,748,000	34,748,000	34,748,000	34,748,000	-1,246,000
Allowances and Office Staff for Former Presidents	2,129,000	2,200,000	2,183,000	2,200,000	2,192,000	+63,000
Expenses, presidential transition		5,000,000	5,000,000		5,000,000	+5,000,000
Total, General Services Administration	467,124,000	532,519,000	590,916,000	541,940,000	522,937,000	+55,813,000
(By transfer)	(724,000)					(-724,000)
National Archives and Records Administration	152,143,000	165,045,000	163,045,000	167,045,000	165,045,000	+12,902,000
Office of Government Ethics	6,303,000	8,365,000	8,265,000	8,365,000	8,265,000	+1,962,000
Office of Personnel Management:						
Salaries and expenses	116,593,000	120,269,000	117,593,000	116,593,000	119,000,000	+2,407,000
(Limitation on administrative expenses)	(79,757,000)	(70,993,000)	(70,993,000)	(67,000,000)	(69,993,000)	(-9,764,000)
Employees Health Benefit Fund (limitation on administrative expenses)	(13,850,000)	(14,702,000)	(14,702,000)	(14,702,000)	(14,702,000)	(+852,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(208,000)	(251,000)	(251,000)	(251,000)	(251,000)	(+43,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(953,000)	(1,086,000)	(1,086,000)	(1,086,000)	(1,086,000)	(+133,000)
Office of Inspector General	4,018,000	4,528,000	4,528,000	4,227,000	4,227,000	+209,000
(Limitation on administrative expenses)	(5,825,000)	(6,956,000)	(6,956,000)	(6,105,000)	(6,500,000)	(+675,000)
Government payment for annuitants, employees health benefits	2,503,535,000	4,149,245,000	4,149,245,000	4,149,245,000	4,149,245,000	+1,645,710,000
(Proposed USPS Payment)		-105,000,000				
Government payment for annuitants, employee life insurance	14,249,000	12,433,000	12,433,000	12,433,000	12,433,000	-1,816,000
Payment to civil service retirement and disability fund	6,078,686,000	6,900,000,000	6,900,000,000	6,900,000,000	6,900,000,000	+821,314,000
(Proposed USPS Payment)		-210,000,000				
Total, Office of Personnel Management	8,717,081,000	10,871,475,000	11,183,799,000	11,182,498,000	11,184,905,000	+2,467,824,000
Merit Systems Protection Board:						
Salaries and expenses	23,361,000	24,884,000	24,850,000	24,398,000	24,450,000	+1,089,000
(Limitation on adminstrative expenses)	(1,850,000)	(1,950,000)	(1,950,000)	(1,950,000)	(1,950,000)	(+100,000)
Office of special counsel	7,789,000	7,962,000	7,949,000	7,962,000	7,952,000	+163,000
Total, Merit Systems Protection Board	31,150,000	32,846,000	32,799,000	32,360,000	32,402,000	+1,252,000

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488), Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Labor Relations Authority	20,769,000	21,697,000	21,637,000	21,657,000	21,647,000	+878,000
United States Tax Court	32,050,000	34,500,000	32,435,000	33,500,000	32,435,000	+385,000
Total, title IV, Independent Agencies	9,450,431,000	11,693,109,000	12,059,535,000	12,013,956,000	11,994,704,000	+2,544,273,000
(Limitation on administrative expenses)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)
Grand total:						
New budget (obligational) authority	19,902,355,000	22,374,481,000	22,727,049,000	22,667,042,000	22,562,042,000	+2,659,687,000
(By transfer)	(33,224,000)	(57,401,000)	(47,386,000)	(62,542,000)	(75,742,000)	(+42,518,000)
(Limitations)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)

1/ Administration's FY 93 request for Postal Service is $121,912,000.00.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield my self such time as I may consume.

Mr. Mr. Speaker, I rise in support today of the conference report before us on H.R. 5488, the 1993 Treasury, Postal Service, and general government appropriations bill.

Mr. Speaker, these spending recommendations included in the report are responsible and they meet the President's standards. With certain adjustments made for legislative savings assumed in the President's original budget request, the conference agreement provides $122 million less in new budget authority than proposed by the President for domestic discretionary programs covered by this bill.

Mr. Speaker, this conference agreement is a profamily measure. It includes provisions for child care as well as initiatives that will address very significant concerns of working families, the flexiplace telecommuting center. We are including provisions in this bill that will allow Federal employees faced with long commutes to Washington an alternative. Funds provided to develop flexiplace telecommuting centers, centers where employees can be linked through computers and telecommunications technology to their main offices. These centers will means that moms and dads, working parents, can spend more time with their children and less time in traffic on congested roads commuting to and from work.

Mr. Speaker, I am also pleased, and this is very important, I am pleased to announce to the Congress that the conference agreement increases the penalties for anyone who knowingly transports goods made wholly or in part by convicts or prisoners—slave labor. As we know, some American companies have been purchasing goods from China. We noted on this issue on the MFN on China. American companies have been purchasing goods from China made by slave labor, goods to be sold in the United States. Companies were able to do it because the penalty was only $1,000. This conference agreement increases the penalty from $1,000 to $50,000, and the imprisonment time from 1 to 2 years.

I want to thank the gentlewoman from California [Ms. PELOSI] for her help on this matter. We all know what a great job the gentlewoman from California [Ms. PELOSI] has done on the MFN issue and, with these increased penalties, there will be a real, practical effect: Customs and Justice can bring cases against those who import goods. That language is in here.

It is clearly time to get tough on firms that are not only breaking U.S trade laws but are creating what I think most Members would agree is a moral crime.

Mr. Speaker, I want to note my serious concerns with a few provisions included in the statement of the managers accompanying this conference report. My Republicans colleagues, the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Pennsylvania [Mr. MCDADE], and I joined to sign the conference report with the exception of the statement of managers accompanying amendment No. 155 and amendment No. 156.

These two amendments address the Council on Competitiveness and Secret Service protection of former Presidents. On the council on Competitiveness the statement of managers suggested that it is the position of the conferees that, among other criticisms, the Council has intervened in the regulatory process without authority and that it refuses to disclose comments and communications it considers affecting regulatory action.

The statement of the managers further imposes several restrictions on the Council's activities, as well as requiring a substantial revision to the way the Council does business. The statement of managers has no actual legislative effect; and the members of the minority signed the agreement with the understanding that the report has absolutely no impact on the operations of the Council. The minority also wanted the Congress to know that they believe the Council on Competitiveness has brought reason to burdensome regulations affecting all of our constituents.

Mr. Speaker, I note that a number of important drugs such as those for cystic fibrosis and Alzheimer's disease have had their approval accelerate with help from the Council. The time factor whereby these drugs can be used by individuals is quickened because of the Council's fine work.

□ 1150

So, I repeat, the statement of managers has absolutely no impact on the activity of the Council on Competitiveness.

Mr. Speaker, the House Republican conferees are also concerned with the statement of managers on Secret Service protection of former Presidents. I question the accuracy of the cost estimates of current protection by the Secret Service, as identified in the report. I also believe references to increased costs of protection because of the potential change in administration are totally unnecessary. Mr. Speaker, my final concern is about the move of the National Science Foundation from its current location to Ballston, VA. The statement of managers does not go far enough, but I want to repeat here what is the sense of the House and the Senate conferees. Members on both sides believe that, in the best interest of saving money for the taxpayer, the National Science Foundation should move and, therefore, will move. I personally want to say that if they do not move, I will follow this personally to see what can be done about it.

In closing, Mr. Speaker, let me make a couple of personal comments. I want to salute the gentleman from California [Mr. ROYBAL], our chairman. This is the last Treasury appropriations bill that Mr. ROYBAL will bring to the floor. As Mr. ROYBAL pointed out, the committee has had some differences but they were really differences of ideas and not of tone. The members on both sides of the committee have worked together, if you want to use the phrase, in a spirit of reconciliation. There have been no harsh words or antagonisms and I want to salute Mr. ROYBAL for this spirit.

I stated yesterday before the Committee on Rules that Congressman ROYBAL will not be back, but soon there will be another Roybal here in this body—Congressman ROYBAL's daughter.

As a father of four daughters, I love my daughters and, frankly, would love to see them have a similar opportunity. I think Mr. ROYBAL, as a proud father, would perhaps be more happy to have his daughter serve than even himself. I know that every father would do anything for his children.

So, I just say that, although Mr. ROYBAL will not be here next year, his daughter will.

I want to personally thank Mr. ROYBAL for his openness. There was never acrimony, never partisanship, never divisiveness, never shouting; never all the animosity that you sometimes see.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

I rise listening to Chairman ROYBAL's remarks for I wanted to echo his comments.

ED ROYBAL has been a very significant leader in California for many years, serving in the State legislature before coming here. He has made a great contribution to our committee over the years. He has made an amazing and important contribution to the Congress as well.

So I certainly want to join in the remarks of the gentleman from Virginia and express my appreciation for the work of Chairman ROYBAL.

Mr. WOLF. I thank the gentleman for his comments.

I would also like to pay some tributes to some other people, if I may.

I would like to pay tribute to the staff on both sides and, in particular, Tex Gunnels, Bill Smith, Betsy Phillips, John Berry, and Jenny Mummert, of the majority staff. They work with total professionalism and dedication. As a member of the minority, I have no reluctance to talk openly with them, because you feel as if you are talking

to your own staff. I want them to publicly know that I appreciate that and I thank them for their tremendous work on the conference report now before us.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Speaker, I wish to join the gentleman from California [Mr. LEWIS] and others who have commended ED ROYBAL for a really fantastic career as a leader in southern California. We have all been proud of the things he has accomplished in the State and here in the U.S. Congress over so many years. As a leader, he brought many things to southern California and to other people of the country they would not have been able to have without his leadership.

He lives in Pasadena, CA. He is a strong contributor to everything in the community that is positive. I want to wish him the very best in this retirement. We are going to miss him.

Mr. WOLF. I thank the gentleman for his comments.

Mr. Speaker, if I may, I would also like to salute the minority staff: Michelle Mideza and Evan Corcoran who have done an outstanding job. I want to take this time to pay special tribute to Evan Corcoran an outstanding gentleman, Evan was a staff member of mine for 5 years. He started in my office as an intern and worked his way up. He is the son of a former colleague, Congressman Tom Corcoran of Illinois; Mr. and Mrs. Corcoran should be very proud of their son.

Evan has left the Congress; yesterday was his last day. In the true sense of public service, he is leaving this job to be an assistant U.S. attorney, and, I might add, taking a massive pay cut. This is truly a sense of public service.

I just want to pay public tribute to Evan for the outstanding job he has done.

I would also like to make two other points.

I would like to say to Mr. ROGERS, he has done an outstanding job, as has Mr. LIGHTFOOT. I would say to the constituents in Kentucky that they are fortunate to have Mr. ROGERS as their Representative. He is the ranking member on the Subcommittee on Commerce, Justice, and State, and we look forward to having Mr. ROGERS back.

Also, Mr. LIGHTFOOT, who may very well end up becoming the ranking member on the Treasury and Postal Service Subcommittee next year. I congratulate Mr. LIGHTFOOT for his hard work and diligence. The people of Iowa are fortunate to have him.

One last comment I want to say regarding Mr. ROYBAL: This committee has absolutely no special pork barrel projects, as it used to have. There are no special projects for universities.

The chairman was willing to go along with the new policy of no special projects. It may not be a bad policy for all the committees to adopt. Whenever outside witnesses appear before the committees, the committee asks them if they have retained lobbyists, who the lobbyists are, how much are they paying them and, have they applied for any other grants?

That has made a tremendous difference in the way the committee approaches special projects and I congratulate the chairman. I want to again salute my colleague and wish him well in his retirement. It is not a goodbye because I expect to see the chairman here on January 3, when he is on the floor and walks down with his daughter as she is sworn in.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as a member of the Subcommittee on Treasury, Postal Service, and General Government, I support the conference report before the House today. I do so because, for the most part, it's a very good bill, reflecting careful consideration and compromise. It is the last appropriations bill the subcommittee will write under the outstanding leadership of our chairman, ED ROYBAL. Mr. Chairman, we will miss you and we wish you well in your future endeavors.

The conference report includes a couple of things of particular importance to my area of Colorado. First, it includes $1 million for the Bureau of Alcohol, Tobacco, and Firearms to fund a new crime-fighting Achilles Task Force in the Denver metro area. The Achilles Program has a proven success record for targeting, investigating, and prosecuting career criminals. I believe the task force will be a useful tool in combating the growing violence associated with illegal handguns and drugs in Colorado.

Second, the bill includes language enabling an agreement between the Department of Commerce and the city of Boulder, CO, to keep as open space a portion of the site where the General Services Administration is planning a new NOAA Federal laboratory. The city of Boulder has been negotiating in good faith with the DOC and the GSA to ensure that the new laboratory will conform with community planning criteria, including maintaining open space in perpetuity. This language will ensure that the DOC is able to fulfill its part of the agreement. I'm pleased to be able to help out and hope that this language will help bring negotiations to a speedy and successful conclusion.

The bill also includes funding for important programs like the Internal Revenue Service's tax system modernization program and the U.S. Customs Service's antidrug initiatives.

Despite these good provisions, I'm deeply disappointed that the bill does not include the House-passed statutory language putting the Vice President's so-called Council on Competitiveness out of business. As my colleagues may recall, on July 1 the House voted 236 to 183 against funding the Council's activities. A majority of our colleagues recognized that despite what its name suggests, the Council has little to do with restoring our economy or enhancing competitiveness.

The Council is, quite simply, an organization created by the Bush administration to give its powerful big business friends a back-door, off-the-record way to get special breaks they can't get through an open rulemaking process. And the Bush administration has gone to great lengths to keep the sun from shining on this cozy arrangement.

Since the Senate-passed appropriations bill did not include a funding prohibition similar to the House's version, it was clear to me that we would have to compromise in conference. I assumed that a fair compromise would be to restore funding for the Council, while requiring it to comply with some basic disclosure requirement—hardly a draconian approach.

Well, was I wrong. Very wrong.

Not only did the administration promise to veto the bill if we included sunshine language, which was based on legislation passed overwhelmingly by both the House and Senate Government Operations Committees, they promised a veto over a succession of weaker compromise provisions. The final language I proposed simply asked the President to develop his own procedures for appropriate public disclosure of the Council's review activities. The answer: Veto. Veto to sunshine. Veto to good government.

Why does the President insist on hiding the actions of the Quayle council from public review? The answer is simple. He knows—and his supporters in the House know—that if the American people knew how the Council dispenses its largesse, the people wouldn't stand for it.

Day in and day out, the Council has blocked regulations to protect the environment, and the health and safety of the American people. Regulations the vast majority of citizens support. No wonder the White House insists that the Council leave "no fingerprints."

In light of the President's threats and the unfortunate reality that there just isn't time left in the session to deal with a veto, I agreed to statement of mangers' language urging the Council to follow specific disclosure procedures. I felt I could not justify sinking the entire appropriations bill over this one issue, and agreed not to insist on statutory sunshine language.

I'm grateful to my House colleagues, Mr. HOYER, Ms. PELOSI, Mr. COLEMAN, Mr. VISCLOSKY, and Chairman ROYBAL,

who all supported my efforts to the very end. The work we did was not in vain. The public and the Congress are better advised of the cynical and shameless behavior of the Council and its very accurate reflection of the standards and values of this administration.

Perhaps the administration has learned something from this battle, too. Perhaps they will do the right thing and, at the very least, follow the guidelines set out in the statement of managers' language. Perhaps they will remember something they clearly have forgotten: that there is no more fundamental principle in our democracy than that our government is open to all, accessible to all, and accountable to all.

□ 1200

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I rise in support of this conference report on funding for the Treasury-Postal appropriations bill. But, first, as well as others have mentioned, I want to commend Chairman ROYBAL, ranking member FRANK WOLF, and all the other members of the Subcommittee on Treasury-Postal appropriations, for their tireless efforts to bring this conference agreement to this point.

Of course, we all wish for our departing chairman the best of luck in the future endeavors of his life. It has been a pleasure serving with the gentleman from California [Mr. ROYBAL], the committee chairman, for all these years.

The conference report before us provides $22.6 billion in fiscal year 1993 for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and other independent agencies.

This is an important bill. It provides funds for agencies that are on the front lines fighting the war on drugs every day.

These agencies do not always get the recognition that other law enforcement agencies receive, but the men and women of the U.S. Customs Service and the Bureau of Alcohol, Tobacco, and Firearms fight violent crime and illegal drug trafficking as part of their mission. They deserve our support and have earned our respect.

This was not an easy bill to conference. But, the agreement does contain program increases over last year's levels for important law enforcement activities.

This conference report includes $1.5 billion for the U.S. Customs Service, matching the President's request and allowing Customs to hire additional agents to detect and control the flow of illegal international trafficking in arms, ammunition, and narcotics.

Each year the Customs Service is the primary border enforcement agency and a major revenue producer. For every $1 expended, the Customs Service returns $15 to the Treasury Department. It is money well spent.

In addition to funding for Customs, this bill provides $371 million for the Bureau of Alcohol, Tobacco, and Firearms [BATF], an increase of $15.9 million above the House level. This is a much needed increase in funds for an agency that collects approximately $14 billion annually for the Government. It is a revenue producing bureau of the Federal Government.

Most importantly, this agreement includes the House provision that prohibits BATF from using any funds to permit convicted violent criminals from possessing a firearm. That policy has been stopped, and this subcommittee made the right decision to protect the public.

BATF does an outstanding job, each year the conviction rate by the BATF is one of the highest of all Federal law enforcement agencies.

A vote for this conference report is a vote to continue the strong antidrug and anticrime programs carried out by the Department of Treasury's law enforcement activities.

Finally, Mr. Speaker, I want to take this opportunity to congratulate our chairman, the gentleman from California [Mr. ROYBAL] who has served as the chairman of the Treasury Subcommittee since 1982.

He has shepherded this bill through many turbulent waters over many years. I know my colleagues will join with me in honoring the work of Chairman ROYBAL and his contribution to our country.

I commend the chairman for his work and urge the House to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the conference report.

I would like to second the words spoken by the gentleman from Virginia [Mr. WOLF] and by others who have spoken on this floor, the gentleman from Kentucky [Mr. ROGERS] and others who have so well described the public service that Chairman ROYBAL has put into not only this year's bill, but in all his years in this Congress. The people of Los Angeles have been well served by him and we are going to miss him as a Member of Congress, as an American. As somebody who has worked with him, I can tell you there has been no one more dedicated and more apt and adept in representing his constituents and the interests not only of Americans, but of a particular class of Americans. He has been a true champion of the rights of Hispanic-Americans as well, and that has been important to those people who have deserved a helping hand from this Congress many times in the past.

I have had great pleasure in working with the gentleman. I am very proud to be able to be able to say I have been able to work with him in my years in Congress.

Mr. Speaker, this bill is a good bill. This year once again there are some provisions in it that I think are trailblazing. As the sponsor of the bill to prevent the BATF from granting relicensing arms to convicted felons, along with the gentleman from Ohio [Mr. FEIGHAN], I went to Chairman ROYBAL and asked him if we could put this in this bill.

The BATF people do not want to spend $4 million a year doing background searches on convicted felons, some of whom were convicted of drugs and violent crimes, only just to give them back the right to carry weapons. There are too many weapons.

The gentleman from California agreed, took the ball, carried it, and it is in this bill. I congratulate him. It is a big start to trying to get control over the problem of weapons in this country.

So, Mr. Speaker, I urge a strong vote on this conference report, for everything that is in it and for everything that the gentleman from California [Mr. ROYBAL] has stood for. I am proud to call him my friend.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise, first of all, to concur with the statement of the gentleman about the chairman's adoption of this language, which I think is so important.

Obviously, the BATF did not want to spend their time doing this. They will do it if it is the law, obviously, but it is not an objective that any of us think is a worthwhile objective and I appreciate the gentleman's remarks.

Let me also say that the gentleman from Florida [Mr. SMITH] has been one of the giants in terms of fighting drugs, drugs coming into the country, drugs in the country, people who sell drugs which destroy our communities, and our young people.

The gentleman will be leaving and will not be with us. That will be a loss for this House, for this Congress, for his State of Florida, and for the country.

I want to take this opportunity to congratulate the gentleman from Florida [Mr. SMITH] for his devotion to a task that every American believes is a priority for this country. He has been on the front line, one of the most effective fighters against the spread of drugs in our communities.

□ 1210

Mr. Speaker, I congratulate the gentleman from Florida [Mr. SMITH] and we will miss him.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER], and all I can tell him is that the gentleman from California [Mr. ROYBAL] and I, who share the same opinion on that matter, are not finished with that fight yet, not by a long shot.

Mr. HOYER. Mr. Speaker, I was convinced of that.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I would like to voice my support today for H.R. 5488, the Treasury—Postal Service—General Government appropriations bill for fiscal year 1992, or it should be 1993. It has been a real pleasure to serve with my colleagues on the subcommittee this year, and I would like to congratulate them on reaching a truly fair compromise on the many controversial issues we faced in the process.

Among those issues was the debate over funding for the Vice President's Council on Competitiveness. I am pleased we were able to resolve this situation to avoid a potential Presidential veto

We face some other difficult issues, such as having insufficient funds for postal revenues forgone, but we have at least met the President's request for this category. I also believe we reached acceptable compromises on occupancy of the ICTC building, funding for the marshals service, imports made with forced labor, and a lot of that thanks to our able ranking members, the gentleman from Virginia [Mr. WOLF] and several other critical areas.

Our subcommittee labored long and hard to achieve this carefully crafted compromise, and I congratulate our chairman, the gentleman from California [Mr. ROYBAL] on his last bill. As we know, he will be retiring at the conclusion of the 102d Congress, and he will be sorely missed. My relationship with the chairman starts back in about 1985 when I first arrived here and was on the Select Committee on Aging of which the gentleman from California [Mr. ROYBAL] was the chairman, and I found him always to be fair, friendly, and someone that listened to everyone's opinions, and I think that is important in a body like this. And I again congratulate my good friend and colleague, the ranking member, the gentleman from Virginia [Mr. WOLF] for his hard-fought efforts to ensure the concerns of the subcommittee were protected. It was a job well done.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I join and rise in support of the conference report, and I would like to commend the gentleman from California [Mr. ROYBAL] who is leaving us and say that during the 8 years I have been in Congress there has been no finer gentleman, and I say to my colleagues, When he tells you something, his word is good, and he's been a great chairman.

I also rise to pay tribute to the gentleman from Virginia [Mr. WOLF] as the ranking member for the great job he has done, and I thank officially here, if I can, the gentleman from Maryland [Mr. HOYER] for the help that he has offered to my community in several instances.

The gentleman from California [Mr. ROYBAL] will be leaving us, and I think, when he leaves, there is going to be leaving as well a sensitivity that has been brought into the hardcore reality of the Government appropriation process.

The chairman and I became involved on an issue, trying to develop an educational program within the Internal Revenue Service to in fact instruct and educate agents how not to abuse the American taxpayers when the legacy of the IRS has become almost commonplace in most people's living rooms, and although we had some rocky roads to hoe, that has been worked out and achieved by the strong leadership of this fine and fair chairman.

I want to thank today the gentleman from Illinois [Mr. ROSTENKOWSKI] from the Committee on Ways and Means for not officially raising a point of order and striking this provision from the bill that I think is going to help the American taxpayers and let the American people know that Washington is not a government that dictates to us. Washington is a center of our Government, the people's government, and the IRS and every Government agent works for the people. That is an attitudinal change that must be made in America or there will never be reform.

Mr. Speaker, I want to commend the gentleman from California [Mr. ROYBAL] and say to him, Chairman ROYBAL, thank you. Thank you on behalf of the 17th District of Ohio, the northern district courts of Ohio, for the effort that you've given in helping our community.

I also want to thank the staff, both the majority and minority side, Tex Gunnels, Bill Smith and all of the workers of that committee who have helped us so many times.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, these charts, many of my colleagues have seen them many times. I keep bringing them out because I want to use the Chinese water torture on all my colleagues.

We are heading toward a $13½ trillion national debt, and we are currently at $4 trillion in debt, a little over $4 trillion. Ten years ago it was $1 trillion, and it is projected by the Federal Reserve Board that we are going to be at $13½ trillion by the turn of the century or before. The interest alone on that debt is going to be $1.2 trillion, which is more than all the tax revenues coming in right now. That means we will not be able to pay for the military, for Medicaid, Medicare, Social Security or anything unless we pay off the debt.

So, they are going to print money to pay off the debt, and we will have what is known as hyperinflation, and the people that will be hit the hardest are those on fixed incomes, the people on Social Security, and welfare and so forth who will get their money from the Government, but they will not be able to buy anything with it.

I say to my colleagues, "You cannot give from the Government without first taking from the people. You take from them by taxing them or by deficit spending. We have been doing both, raising their taxes and digging Americans into a bigger and bigger deficit hole that will lead to hyperinflation in the future if we do not start controlling spending."

Now that brings me to this conference committee report that everybody has been talking about in such glowing terms. This conference committee report is $2.9 billion higher than last year, a 14-percent increase. The entitlement portion of this bill is 28 percent higher than last year, 28 percent.

Now let us take a look at this. These are entitlements. In the early 1970's we had $92 billion in entitlements. It is going to be $805 billion in entitlements this year, and we are raising entitlement programs at the rate of between 15 and 20 percent a year. In this particular bill it is higher than that. It is a 28-percent increase.

Mr. Speaker, we have to come to grips with the pork-barrel projects, and we also have to come to grips with the entitlements that are growing out of control.

Now in this bill we have a 28-percent increase in entitlements, and we have about a 5-percent increase in discretionary spending, which amounts to $450 million or $434 million.

Now there is one project—would somebody hand me that picture down there on the charts? There is one project in particular I want to talk about, and, while he is bringing that down, I will talk about another.

There are two projects I am concerned about. One is in conference committee they added $3 million for a new general mail facility in Scranton, PA, and the statement of managers says the Postal Service has plans to expand that facility. However, that project was not passed upon by the House or the Senate. It may be nec-

essary, but it should go through the regular process instead of the conferees sticking it in after we voted in both bodies for or against a project.

And the second thing I want to talk to my colleagues about, and I hope all of my colleagues will come and take a look at this, but in Newark, NJ, earlier this year we appropriated $15 million for a parking garage that was not needed, and I talked about that being a pork-barrel project. Now they cut that in conference committee to $9 million, and I commend the conferees for reducing it by $6 million, but there is still $9 million in there for a parking garage.

□ 1220

Now, since we passed that bill in July, one of the people who lives in Newark brought this photograph to me and showed me the problem that I was talking about. Within two blocks or three blocks of this new facility there are 1,800 vacant parking spaces. Yet we as taxpayers, the people across this country, are asked to spend $9 million to build a new parking garage that is totally unnecessary.

The administrative manager of the U.S. district court in Newark has said that they need about 300 to 400 spaces close to the facility for jurors when they have a heavy caseload. The rest of the time they will not need that many. In addition to that, Newark cannot really afford to pay their part of this. They have to pay half of this. The federally funded study came to the conclusion that this garage is not needed and Newark could not afford its share. Standard & Poor's, the financial rating company, said that Newark's credit rating would drop if this project went forward. So they are not going to be able to fund their share. We are putting $9 million into a project that is totally unnecessary. There are 1,500 to 1,800 parking spaces within 3 blocks of the new facility, and we are asking the American taxpayers to pay for it. That is part of the problem we are talking about around here. We pass these pork barrel projects without full investigation. We allow entitlements to go up unchecked without capping them, and we wonder why the country is in the mess it is in. We have to get control of entitlements, and we have to quit passing these kinds of projects that are purely unnecessary, unadulterated pork.

Mr. Speaker, I want to say to my colleagues that I am so concerned about this Newark parking garage that after we pass this bill—and it will pass, and the money will be appropriated—I am going to the General Accounting Office, and I am going to ask for an investigation of this parking garage in Newark. If there are 1,500 to 1,800 available spaces within 3 to 4 blocks of this courthouse and we are spending $9 million of taxpayers' money for something that is not necessary, it should be investigated, and I can assure the Members that it will be investigated.

Mr. ROYBAL. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I could not let this time go by, when the gentleman from California [Mr. ROYBAL] is leaving the Congress, and fail to say that I think his service here has been outstanding. I say to the gentleman, you have made a contribution in many fields for our country. I think I speak on behalf of all of the Congress in saying that we are very deeply grateful for the excellency of your service in many, many fields.

Of course, I cannot pass up a chance for commending the gentleman from Virginia [Mr. WOLF]. Mr. WOLF is a Member who also is a person of great dedication to what is good for our country. I am glad the gentleman is not leaving the Congress. We do appreciate his services.

As I conclude, I speak again to Chairman LEHMAN, let me say that this is just something from my heart: I am going to say it must be a great and beautiful thing to have your daughter come here and be in Congress to succeed you. I say to the gentleman, you deserve that kind of beautiful thing in your life.

Mr. WOLF. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, before I yield time to the gentleman from Indiana [Mr. MYERS], let me just take this minute to say this, since the gentleman from Florida [Mr. BENNETT] got up and spoke. Mr. BENNETT is leaving, too. I have told him on a number of occasions how much I personally am going to miss him.

I have a speech that I have built around CHARLIE BENNETT. I say, you are a man of integrity and decency and honesty, and you have overcome a very difficult handicap. I used to stutter very badly when I was a young boy, and I use CHARLIE BENNETT as an example of how a person with courage and perseverance can overcome a handicap. So let me say to the gentleman, CHARLIE, I want to pay you the same compliments that you paid to Mr. ROYBAL.

With that, Mr. Speaker, let me now yield 3 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Speaker, I join our colleagues in expressing our appreciation and our gratitude for the services of many of our very fine Members who will be leaving this year voluntarily. I do not know how many will be leaving involuntarily. Certainly the gentleman from Florida [Mr. BENNETT] has been of great help to all of us through the years. I would pay tribute to him and express our appreciation for his services to this country and say what a great job he has done on behalf of national security.

Mr. Speaker, let me say that we thank our chairman, the gentleman from California [Mr. ROYBAL], for his contributions and for his hard work for his district, for his State of California, and for this Nation. Let me express our appreciation for all those long hours and hard work. I join the gentleman in saying what a gratitude it would be to have a daughter or a son follow you. I have two daughters and I have a son, but, as I have said, I do not wish that upon them. I have one daughter who is kind of interested, but I have discouraged her from taking this route today. It is not the fun it once was.

Mr. Speaker, I wish to ask a question of our chairman pertaining to the so-called Roybal language in the report. Let me ask this question:

I am concerned that the current language in the statement of the managers concerning the prohibition on changes in the FEHB program might foreclose a proposed change in the current Government Employees Hospital Association contract which is designed to provide a more favorable drug benefit to all enrollees who use a preferred provider network but might require the enrollees who use off-network providers to bear some of the higher costs of those providers. I want to make certain that this is not the intent of the current language.

Mr. Speaker, I yield to the chairman of the subcommittee for a response.

Mr. ROYBAL. Mr. Speaker, as I understand my colleague, the gentleman from Indiana, the benefit change described would affect all plan enrollees, not just Medicare-covered annuitant members. This language applies to changes similar to those proposed in OPM's call letter that affect only FEHB program annuitant members who are also covered by Medicare. It is not intended to prohibit the implementation of initiatives such as preferred provider networks, mail-order prescription maintenance programs, or the use of generic drugs that also affect all FEHB plan members, including those who are not Medicare-covered annuitants.

Mr. MYERS of Indiana. Mr. Speaker, I thank the chairman of the subcommittee for his response, because we all know a great many people who just cannot use the preferred network and must go off network. We want to protect those people who are forced to use other providers. So I thank the gentleman very much for this language and for his response.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding time to me, and let me say that I, too, want to commend the gentleman on his service here in the House.

Mr. Speaker, I rise in strong support of a provision in this conference report on the Social Security notch issue. During the Senate consideration of the measure, a provision was added to create a Bipartisan Investigatory Commission to aid in the resolution of the Social Security notch issue. Last November, I introduced a bill to establish this Commission.

The controversy surrounding the Social Security notch issue has been a source of much debate for the Congress and for the American public. Because of necessary and complex changes to the Social Security benefit formula during the 1970's many older Americans and retirees are under the impression that they have been cheated by the Federal Government. Like most Members, I have received countless letters and questions on this issue from my constituents.

I am sympathetic to the concerns of my constituents and I have always tried to educate them on the notch. I provide whatever information I can to help clarify the questions that people ask. However, I cannot match the outreach capabilities of the groups who exploit the notch issue for monetary gain. The General Accounting Office and the Congressional Research Service have issued substantive reports on the notch and our colleagues on the Social Security Subcommittee have worked hard to confront the issue. Unfortunately, the notch remains unresolved in the views of our constituents.

Mr. Speaker, a great deal of confusion still exists about the notch even among Members of Congress. While I do not believe that passing corrective legislation is appropriate, I understand that my constituents want answers on this issue. It is time to stop the demagoguery of the notch and the creation of a congressional commission is a good first step toward ending the perpetual debate on this subject. The Bipartisan Commission will be directed to consider all of the aspects of the notch and report to Congress what steps, if any, are required to close this issue.

Mr. Speaker, I thank the subcommittee chairman for including this provision in the conference report.

□ 1230

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from California [Mr. ROYBAL] to enter into a colloquy.

In this conference report, Mr. Chairman, the conferees agreed to a funding level of $46,419,000 for the General Services Administration information resources management services. One of the programs carried out under this office is the Federal Information Center [FIC] Program.

As the chairman knows, the FIC Program provides a 1-800 telephone service that any citizen can call and get information about our complex Federal Government. The FIC responds to more than 8,000 callers per day, and several thousand letters per month, from people seeking information about Federal Government programs.

I understand that with the funds made available in this report, GSA is expected to restore the planned reduction of $1.7 million to the FIC, and to continue operating this program at its current level with no adverse impact on the approximately 100 people employed to provide this service. Is this correct?

Mr. ROYBAL. The gentleman from Maryland is correct. Under the funding level provided in the conference report for GSA's information resources management services during fiscal year 1993, it is my intent that GSA continue the Federal Information Center Program at its current level.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I would like to make a few additional comments.

Mr. Speaker, as so many have noted, it will be the last time Chairman ROYBAL presents this bill to the floor. I have had the great privilege of serving for the last 9½ years on the Subcommittee on Treasury, Postal Service, and General Government. During that entire time, EDWARD ROYBAL of the State of California has been its chairman.

As those before me have observed, the gentleman is a man of great dignity, fairness, and a man who is conscientious in the carrying out of his duties as chairman of the subcommittee. His fairness is displayed to every Member, irrespective of their party and irrespective of whether they may agree with him on each and every one of the issues that comes before the subcommittee.

In my own case I have found him to be extraordinarily helpful as I have tried to represent my constituency in the best possible way. I know I state the sentiment of every member of our subcommittee, Mr. Chairman, in saying that we will miss you. We do not expect you to be saying goodbye. We expect you to be back regularly to visit with us.

I know if I am fortunate enough to be reelected to this body on November 3 and fortunate enough to succeed Chairman ROYBAL as chairman of this subcommittee, it is fully my expectation to be contacting him from time to time for advice and counseling. His chairmanship of this subcommittee has been in the best traditions of Representatives in this body that we call the people's House.

In particular, the gentleman from Ohio [Mr. TRAFICANT] made a reference to the chairman's great concern for those who deal with an agency that can be terrifying to average Americans and who have a great deal of authority, and, therefore like anyone with a great deal of authority, needs someone to oversee them, conscious of the concerns of the people for whom all of us work. ED ROYBAL has done that with conviction and with effectiveness.

The provisions of this bill and the provisions of the bills in past times have reflected his concern that the Government of the United States of America treats each and every one of its citizens fairly and appropriately, with courtesy and understanding.

We have all seen the gentleman cross-examining leaders of these agencies and making it very clear to them that he expected and would accept no less than honest, caring treatment of the citizens of not only his district, not only his great State of California, but of the entire country.

The gentleman has been a leader in so many areas. He is not only the chairman of this subcommittee, Mr. Speaker, but chairman of the Select Committee on Aging. He has performed those functions with the same sensitivity and same commitment that he has chaired our subcommittee, to the great benefit of senior citizens in America.

The gentleman has also been one of, if not the leading, spokesperson on this floor for a growing group of Americans, Hispanic Americans, of which he is a member and a prime example of the contribution that that group of Americans is making to the welfare and quality of this Nation.

Mr. Speaker, it is with a great deal of sadness that I rise to note the fact that the gentleman from California [Mr. ROYBAL] will not be returning to us next year, but also with a great deal of pride and affection that I have had the opportunity of serving with him, of learning from him, and in having a great deal of respect, not only as a colleague, but as a warm and caring human being.

Mr. Speaker, we have been fortunate on this committee to be served by our chairman and ranking member, two people who represent the very best in this body, sent here to represent their people.

I thank you Mr. Chairman, on behalf of all the members of this committee and on behalf of all the Members of this body. Congratulations for a job well done.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, our colleague from Maryland [Mr. HOYER] has said a great deal of what I wanted to say about the gentleman from California [Mr. ROY-

BAL]. Of course, the gentleman said it much more eloquently and had many more examples because they have worked so long together.

Mr. Speaker, first I want to rise in support of the legislation, to say one or two things about the bill, and the rest about the gentleman from California [Mr. ROYBAL].

First of all, I want to thank the gentleman from California [Mr. ROYBAL] and the ranking member, the gentleman from Virginia [Mr. WOLF], for their hard work in bringing this bill to the floor. I am very pleased that the initiatives of the gentleman from Virginia [Mr. WOLF] whereby importers of prison labor goods coming in from China will receive a penalty increased from $1,000 to $50,000, a change that has not been made since the 1930's. In doing this, businesses will know that they must honor the rights of all workers in the world and that we will not in America allow products made by those imprisoned for speaking out for democracy.

Mr. Speaker, I also want to commend the gentleman from Colorado [Mr. SKAGGS] for his hard work on the bill and language regarding the competitiveness caucus.

Mr. Speaker, I rise in support of H.R. 5488, the fiscal year 1993 appropriations bill for Treasury, Postal Service, and general Government.

I commend the chairman of the subcommittee, Mr. ROYBAL, and Representative FRANK WOLF, the ranking member, for their hard work and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

We are living in tough economic times and while we would have liked to be able to spend more on some programs in the bill, everyone on the subcommittee recognized the need to assist in the effort to hold Government spending in line. There just isn't enough money to fund all of the programs at the levels they need to be funded and important programs will be cut in the struggle to bring the budget closer to balance. We did the best we could under the economic and political circumstances.

I am disappointed, Mr. Speaker, that the conference report does not include any of the language the House wanted, to require the President to disclose the secret operations of the Council on Competitiveness.

The Skaggs amendment passed by the House would have blocked funding for the Council, which has operated behind closed doors like a private overseer, interfering in the regulatory review process and imposing its own autocratic rule on our democratic process. Despite our best efforts, it was made clear the bill would be vetoed if we in any way exercised our authority to restrict Federal spending for the Council's work.

The conference report does contain funding for the Treasury Department, Postal Service, the White House, and more than a dozen independent agencies.

I am particularly pleased that it contains language drafted by my colleague from Virginia, Mr. WOLF, to increase to $50,000 the penalties imposed on those caught illegally importing goods made by prison labor. This increase will mean that those who bring in products made by prisoners, and in China many of these prisoners are dissidents arrested for their protests in support of democratic freedoms, will get more than a mere slap on the wrist. Instead of a $1,000 fine as is currently imposed, they will be required to pay a $50,000 penalty, which we hope will make them think twice before committing the crime.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman ROYBAL and the subcommittee for the excellent work they have done under very difficult fiscal constraints.

In closing, Mr. Speaker, I urge my colleagues to join me in supporting this legislation. We will miss the chairman as he leaves this body to begin a new life.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER], but I do want to add, as a Californian who serves on the subcommittee, how proud we are of the services of the gentleman from California [Mr. ROYBAL] in Congress. The gentleman has brought honor to our State, honor to the Hispanic community, and honor to our entire country by his service here.

Mr. Speaker, the work of the gentleman for seniors is legendary, as well as his work on issues like AIDS funding. Working with Phil Burton many years ago, ED ROYBAL was the first person to put money in any bill for AIDS research, and we will always be grateful to the gentleman for that.

□ 1240

He has worked in a very fair way in this Congress to help everyone in our country, and that is what EDDIE is about. I have seen some pictures of him from years ago when he started out in politics, always fighting for the working person in America. He was later able to do that at the highest level as a subcommittee chairman on the Committee on Appropriations, and it was an honor for me to be able to serve under him on that subcommittee.

We will miss him, but it is not with sadness, as STENY has said. I know he is sad, but it is with great joy that I see him embark on a new life. We look forward to welcoming his daughter, Lucille Roybal Allard, to the Congress of the United States in January as a colleague.

My thanks also to Tex Gunnels, for all his hard work on behalf of our legislation.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. ROYBAL] has 1½ minutes remaining.

Mr. ROYBAL. Mr. Speaker, I yield myself the remaining time to make a brief response by saying that there are times in one's life, moments, actually, in one's life that one wishes would never end, and this is one of those times, but it has to come to an end.

I want to take just a few brief moments to thank each and every one of those who took the floor, and also wish them continued success in the Congress of the United States. Mr. Speaker, I have served with these wonderful people now for 30 years. The vast majority, the great majority of Members of the House of Representatives and of Congress are dedicated, however, hard-working individuals. I just want them to know it has been a great honor to serve with them.

May I also, Mr. Speaker, as long as I have just a few more brief moments, answer some of the things that were said by the gentleman from Indiana with regard to the bill. It is quite obvious that he has not carefully read the bill, nor has he carefully read the report.

When it comes to mandatory expenditures, we provided only the funds that the President requested. We did not appropriate any additional funds. With regard to discretionary appropriations, we are less than $200 million over the President's request, but that is due in part to the fact that we increased funds for revenue-producing departments of the Federal Government.

We provided an increase over the 1992 levels to the Internal Revenue Service which will produce more funds for the Federal Government. We also increased appropriations to the Customs Service. That is also a revenue-producing agency of this Government. More money will be coming into the Treasury of the United States because of the work that they do.

We also made possible an increase in the funds for the Bureau of Alcohol, Tobacco and Firearms. They are also a revenue-producing department, so that $200 million that is now being appropriated will be coming back many fold to the Government of the United States.

One other thing, Mr. Speaker, and this will only take a moment, I am surprised that the gentleman from Indiana [Mr. BURTON] does not look at what is happening to his own State. We in this committee provided in the House-passed bill $51 million to his State just this year, and the next day he tried to knock out funds provided for a parking facility in New Jersey.

That parking facility was kept in the bill by a vote by the House of Representatives after a motion was made to strike it out. This issue went to conference. This is a good facility. We

have provided in this bill that free parking will be made available for Federal employees that occupy that building, so that funds appropriated will be coming back over time to the Federal Government in the form of reduced rental costs.

I am not going to continue this. I know that the time is up, Mr. Speaker, but pork is pork. If what the gentleman considers to be pork when it comes to health and education and all these other construction projects, if that is pork, then the things that we have given his own State are also pork. This idea of not paying much attention to projects in one's own State and calling other projects "pork" is something that I think has to be corrected. Let us be fair to all States of the Union.

I recommend that my colleagues vote favorably on this bill.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all, I want to wish the gentleman from California [Mr. ROYBAL] well. He is a fine colleague and I have high regard for him, even though we do have our differences of opinion.

I would just like to say to my colleagues that over the past 3 or 4 or 5 years that I have been involved in trying to cut out pork in the appropriations bills, I have noticed that every single chairman of the appropriations committees, when they speak on the floor, talk about the absolute necessity for all of this spending.

That is the problem. We do not really see the problem. We are in a deep, deep hole and we are getting deeper all the time. The projections are very dire, that we are going to be $13.5 trillion in debt and we will not even be able to pay the interest on it.

I say to my colleague from California [Mr. ROYBAL] and to the chairmen of these appropriations subcommittees, everything is necessary to the Congressman in question, but it is not necessary to the country as a whole, and we must prioritize. We have to get control of spending.

I just want to end up by saying, regarding the parking garage in Newark, I have a picture here I hope all my colleagues will look at of downtown Newark during the day when people are working. There are 1,800 to 2,000 vacant spaces, and they do not need that parking garage. That is why I think we should vote against this bill. Nine million dollars for that parking garage is totally wasteful spending.

I wish the gentleman from California [Mr. ROYBAL] well, even though we have had our differences.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 5488, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1993. This bill contains important funding for the construction of a new Social Security district office to serve the citizens on the north side of Chicago.

There have been a number of serious problems with both the current Social Security district office, and the proposed relocation facility in the Ravenswood-Lincoln Square area of Chicago. The current Social Security building has experienced structural problems that have posed inconveniences and even dangers for the Social Security recipients who visit the office, as well as for the Social Security employees who work there.

Anticipating the expiration of the current lease, the General Services Administration awarded a lease for a different building which would require renovation. The location selected for the new office has created a year-long controversy between the Social Security Administration and the elderly residents in the community. Indeed, the new location is not easily accessible by public transportation, and is considered to be in a high-crime area.

The Social Security Administration has a permanent requirement for facilities on the north side of Chicago. The $4 million appropriated in this bill for site acquisition and construction will greatly assist the Social Security Administration in serving the elderly population of the community in a fiscally responsible way. A Government-owned facility is less expensive than a leasing arrangement, and over the long run, this project will result in savings to the social security trust fund.

I urge my colleagues to support this important provision and to support this bill.

Mr. MARKEY. Mr. Speaker, the conference report on H.R. 5488, the Treasury, Postal Service appropriations bill for fiscal year 1993, passed the House today. Included in this bill are funds for a telecommuting center to be built here in the Washington, DC, area. I would like to commend the members of the Appropriations Committee for their endorsement of this important venture.

On July 29, 1992, the Subcommittee on Telecommunications and Finance, which I chair, held a hearing on H.R. 5082, the bill introduced by our colleague, Representative TOM MCMILLEN, and we examined how our developing telecommunications infrastructure can provide major benefits to the environment, employers, and the day to day life of working men and women. With the advancement of high speed data transfers, fiber optics, compression technologies, and other technologies, employees now have the ability to telecommute to their main office from some alternative work site closer to their home. Telecommuting is the use of electronic communications to replace or reduce the trip from home to the traditional workplace. With telecommuting and the establishment of telework centers in areas surrounding urban centers, we will be moving work to people instead of moving people to work.

It is an attractive alternative for employees who can work via computers by combining the use of information and communication technologies with the concept of the flexible workplace.

The reality of nightmare commutes, steep real estate prices, and tougher air quality laws have more employers, including the Federal Government, looking into alternative work sites, such as telework centers. Beginning with the Government's flexi-place program, both the Government and the private sector have been finding many benefits from reducing the long commute many employees take to get to their jobs in the urban areas.

The benefits of telecommuting are many: Fewer cars are on the road, traffic congestion becomes lighter, less fossil fuel is consumed, and the air becomes cleaner for those of us in the urban areas. In addition, employers gain more productive employees and a larger applicant pool from which to draw qualified applicants. Another benefit is that this promotes rural economic development and at the same time jobs become more accessible for those with disabilities who for one reason or another cannot make the long commute into the city. Finally, this idea would increase the quality of life for those telecommuting by enabling workers to spend more time with their families and more productive work time at work.

I commend my colleague from Maryland, Congressman TOM MCMILLEN, for his leadership on this issue, and I thank the members of the Appropriations Committee for including these funds for such a valuable project.

Mr. PAYNE of New Jersey. Mr. Speaker, I too want to take this opportunity to praise Chairman ROYBAL for his outstanding service in Congress. I feel fortunate that I have been able to serve with a man who is not only a talented legislator, but also a true gentleman.

I would like to take just a moment to respond to the attack on my home city of Newark, NJ which was made by my colleague from Indiana.

At a time when our Nation is beginning to recognize the importance of urban renewal to both our economic and social well-being, it is indeed unfortunate that an attempt is being made to sabotage this important urban project.

I would like to point out that the city of Newark, which was absolutely devastated by the riots of the 1960's, is now making a great comeback. The city has been honored with a number of awards, including the Environmental Quality Award, the City Livability Award, and the All American City Award.

In Newark, we are nearing completion of the Martin Luther King, Jr., Federal Courts Building which will function as a courthouse and administrative office building adjacent to other Federal properties in downtown Newark. The Federal complex has a severe parking shortage, causing a situation where there are numerous illegally parked on-street vehicles in a typical day. With the building's opening, over 6,000 Federal employees will work in this section of downtown Newark, in addition to over 3,000 municipal employees and scores of employees in private businesses.

Buildings once stood on the vacant lots in Newark now being used for parking. It is our intention to continue drawing new businesses into our city and to rebuild on those lots so that we can restore our city to its former grandeur.

A safe, efficient indoor garage will help induce new businesses into Newark. This makes good economic sense. It will allow Newark to be a part of the national effort underway to strengthen urban America and to restore hope and economic vitality to America's cities.

As the Representative of Newark, NJ, I have worked hard with local officials on economic development projects for our city. I am

not going to allow the parking facility, which is a key element of our economic renewal plan, to be maligned and misrepresented by my colleague from Indiana.

Let me stress that the local government will share in the financial responsibility for the new facility; the Newark Parking Authority will raise the balance of the funding needed for the garage component of the Federal complex and area development plan, as well as providing for land acquisition, relocation, and demolition costs.

Funding for the parking facility is a sound investment which will reap economic benefits. I thank my colleagues for your past support. Earlier this year, you overwhelmingly reaffirmed your approval of this project, based on its merits, by a margin of 313 to 89. I seek your continued support for this sound investment in the urban revitalization of Newark, America's third oldest city.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the legislation being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 126, not voting 15, as follows:

[Roll No. 449]

YEAS—291

Abercrombie
Ackerman
Alexander
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hutto
Inhofe
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
Spratt
Stallings
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—126

Allard
Allen
Archer
Armey
Baker
Ballenger
Barton
Bilirakis
Boehner
Brewster
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Coble
Coleman (MO)
Combest
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Erdreich
Ewing
Fawell
Fields
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goss
Gradison
Hall (OH)
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Hughes
Hunter
Ireland
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Luken
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Patterson
Paxon
Peterson (MN)
Petri
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Slattery
Smith (OR)
Smith (TX)
Snowe
Spence
Stark
Stearns
Stump
Tallon
Thomas (CA)
Thomas (WY)
Upton
Vento
Walker
Weber
Weldon
Williams
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Anderson
Atkins
Barnard
Cox (CA)
Dymally
Feighan
Goodling
Huckaby
Hyde
Lipinski
McCrery
McCurdy
Russo
Sanders
Staggers

□ 1306

Mr. GILLMOR and Mr. LUKEN changed their vote from "yea" to "nay."

Mr. SHAW changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 368, MAKING CORRECTIONS IN ENROLLMENT OF H.R. 5488

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 583, House Concurrent Resolution 368 is considered as adopted, and the text of the concurrent resolution will be printed at this point in the RECORD.

The text of House Concurrent Resolution 368 is as follows:

H. CON. RES. 368

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUARINI. Mr. Speaker, today marks the start of Italian-American Heritage and Culture Month under the terms of a resolution passed by the

House. This year in honor of the Columbus Quincentenary this first day is being celebrated nationally as "Italian-American Heritage and Culture Day." I am pleased to be joined in launching this day's celebration by the distinguished Senator from Arizona [Mr. DECONCINI], who is simultaneously speaking in the other body.

As we gather today here in Washington, I am pleased to note that several hundred Italian-American organizations are hosting public events precisely at 1 p.m. to highlight Italian culture. These events range from holding a reenactment of the singing of the "Salve Regina" aboard the *Santa Maria* in downtown Columbus, OH, to sponsoring a conference entitled, "Columbus People: 500 Years of Italian Immigration to the Americas and Australia," in Staten Island, NY.

There is tremendous pride among our Nation's 15 million Italian-Americans on this day that begins the final month of the Columbus Quincentenary. The Italian-American community has long been inspired by Christopher Columbus, the man and the symbol of courage, determination, and achievement. With commemorations dating back to 1866, Italian-Americans have honored Columbus and thousands of immigrants who embodied his spirit in their journey to the New World.

The renowned Columbus scholar Paolo Emilio Taviani of Italy wrote, "The Columbus discovery was of greater magnitude than any other discovery or invention in human history." It is this legacy that we salute today.

It should also be noted that "Italian-American Heritage and Culture Day" occurs on the eve of another important national celebration involving Italian-Americans. I refer to the 17th annual convention and dinner sponsored by the National Italian-American Foundation in Washington, DC. This year's convention and dinner theme is a salute to the Columbus Quincentennial. More than 3,000 Italian-Americans and another 250–300 people from Italy will be in attendance.

America has been called the great mosaic. As a nation, we celebrate our unity in diversity. Today is a day when we give special attention to one important group in that mosaic—the Italian-Americans.

Mr. Speaker, under leave to include extraneous matter, I submit the following list of selected activities for this special day:

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY—SELECTED ACTIVITIES LIST

St. John's Italian Cultural Center, Columbus, Ohio. Holding a reenactment of the singing of the "Salve Regina" aboard the Santa Maria in downtown Columbus. (This was a daily ritual of the Columbus crew.)

Italian American Club of Lafayette, Lafayette, Louisiana. Holding a presentation and public dedication of a replica of the Santa Maria to the city of Lafayette. It will be placed on permanent display in the atrium at City Hall.

Italian Study Group of Troy, Troy, Michigan. Performing a concert for the students of Athen's High School. "On the Seas With Columbus," an original script developed by Marelli Productions, focuses on the real meaning of the Quincentenary especially for young people: a message of hope and trust in one-self, the pursuit of dreams and self-discovery.

Il Club Italiano of Westchester Community College, Valhalla, NY. Sponsoring a lecture on the importance of the Renaissance and the roles of the many explorers and their contributions to the discovery of the New World.

Italian Quadriglia Dancers, Jamestown, New York. Holding a class to teach children Italian folk dances and will hold a class open to the public.

Italian American War Veterans, Brockton, Massachusetts. Presenting a proclamation to the Mayor of Brockton and will raise the Italian flag above City Hall.

West Virginia Italian Heritage Festival, Clarksburg, W. Virginia. Sponsoring a commemorative mass and luncheon. In addition, all the churches in the community will ring their bells at 1:00 p.m.

Center for Migration Studies, Staten Island, New York. Holding a conference entitled, "Columbus People: 500 years of Italian Immigration to the Americas and Australia."

National Federation of Italian American Societies, Brooklyn, NY. Holding a special presentation of "Certificates of Merit" to distinguished Italian Americans.

Italian American Cultural Association of Virginia, Richmond, VA. Churches throughout the Richmond area will ring their bells at 1:00 p.m.

Brigham Young University Italian Club, Provo, Utah. Hosting speakers and commemorative displays on the campus of Brigham Young University.

□ 1310

CONFERENCE REPORT ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. FASCELL submitted the following conference report and statement on the Senate bill (S. 2532) entitled "An act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'":

CONFERENCE REPORT (H. REPT. 102–964)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532), entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLES.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short titles.
Sec. 2. Table of contents.
Sec. 3. Definition of independent states.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Program coordination, implementation, and oversight.
Sec. 103. Report on overall assistance and economic cooperation strategy.
Sec. 104. Annual report.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

Sec. 201. Support for economic and democratic development in the independent states.
Sec. 202. Ineligibility for assistance of institutions withholding certain documents of United States nationals.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

Sec. 301. American Business Centers.
Sec. 302. Business and Agriculture Advisory Council.
Sec. 303. Funding for export promotion activities and capital projects.
Sec. 304. Interagency working group on energy of the Trade Promotion Coordinating Committee.
Sec. 305. Reports to Congress.
Sec. 306. Policy on combatting tied aid practices.
Sec. 307. Technical assistance for the Russian Far East.
Sec. 308. Funding for OPIC programs.

TITLE IV—THE DEMOCRACY CORPS

Sec. 401. Authorization for establishment of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

Sec. 501. Findings.
Sec. 502. Eligibility.
Sec. 503. Nonproliferation and disarmament activities in the independent states.
Sec. 504. Nonproliferation and Disarmament Fund.
Sec. 505. Limitation on defense conversion authorities.
Sec. 506. Soviet weapons destruction.
Sec. 507. Waiver of certain provisions.
Sec. 508. Notice and reports to Congress.
Sec. 509. International nonproliferation initiative.
Sec. 510. Report on special nuclear materials.
Sec. 511. Research and development foundation.

TITLE VI—SPACE TRADE AND COOPERATION

Sec. 601. Facilitating discussions regarding the acquisition of space hardware, technology, and services from the former Soviet Union.
Sec. 602. Office of Space Commerce.
Sec. 603. Report to Congress.
Sec. 604. Definitions

TITLE VII—AGRICULTURAL TRADE

Sec. 701. Food for Progress Act.
Sec. 702. Definitions for Agricultural Trade Act of 1978.
Sec. 703. Assistance for private voluntary organizations.
Sec. 704. Distribution of aid to the independent states of the former Soviet Union.
Sec. 705. Agricultural fellowship program for middle income countries and emerging democracies.
Sec. 706. Promotion of agricultural exports to emerging democracies.
Sec. 707. Direct credit sales.
Sec. 708. Export credit guarantees.

Sec. 709. Export promotion programs amendments.

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

Sec. 801. Designation of Edmund S. Muskie Fellowship Program.

Sec. 802. New diplomatic posts in the independent states.

Sec. 803. Occupancy of new chancery buildings.

Sec. 804. Certain positions at United States missions.

Sec. 805. International Development Law Institute.

Sec. 806. Certain Board for International Broadcasting construction activities.

Sec. 807. Exchanges and training and similar programs.

TITLE IX—OTHER PROVISIONS

Sec. 901. Foreign Assistance Act list of communist countries.

Sec. 902. Johnson Act.

Sec. 903. Support for East European Democracy (SEED) Act.

Sec. 903. Peace Corps volunteer training requirements.

Sec. 905. Establishing categories of aliens for purposes of refugee determinations; adjustment of status for certain Soviet and Indochinese parolees.

Sec. 906. Eligibility of Baltic states for nonlethal defense articles.

Sec. 907. Restriction on assistance to Azerbaijan.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 1001. International Monetary Fund quota increase.

Sec. 1002. International Monetary Fund policy changes.

Sec. 1003. Reduction of military spending and promotion of long-term sustainable economic growth by developing nations.

Sec. 1004. Support for macroeconomic stabilization in the independent states of the former Soviet Union.

Sec. 1005. Role of the International Finance Corporation in supporting economic restructuring in the independent states of the former Soviet Union.

Sec. 1006. Authority to agree to amendments to the Articles of Agreement of the International Finance Corporation.

Sec. 1007. Report on debt of the former Soviet Union held by commercial financial institutions.

Sec. 1008. Human rights.

Sec. 1009. Multilateral investment guarantees for the independent states of the former Soviet Union.

SEC. 3. DEFINITION OF INDEPENDENT STATES.

For purposes of this Act, the terms "independent states of the former Soviet Union" and "independent states" mean the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

SEC. 102. PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) COORDINATION.—The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) EXPORT PROMOTION ACTIVITIES.—Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

(c) INTERNATIONAL ECONOMIC ACTIVITIES.—Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

(d) ACCOUNTABILITY FOR FUNDS.—Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

SEC. 103. REPORT ON OVERALL ASSISTANCE AND ECONOMIC COOPERATION STRATEGY.

(a) REQUIREMENT FOR SUBMISSION.—As soon as practicable after the date of enactment of this Act, the coordinator designated pursuant to section 102(a) shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

(b) ASSISTANCE PLAN.—The report submitted pursuant to subsection (a) shall include a plan specifying—

(1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act of 1961 proposed to be allocated for each of the categories of activities authorized by section 498 of that Act and to carry out section 301 of this Act (relating to American Business Centers), section 303 of this Act (relating to export promotion activities and capital projects), and title IV of this Act (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

SEC. 104. ANNUAL REPORT.

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 498A of the Foreign Assistance Act of 1961, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preced-

ing fiscal year and for current fiscal year has actually been delivered;

(3) an assessment of the effectiveness of United States assistance in achieving its purposes; and

(4) an evaluation of the manner in which the "notwithstanding" authority provided in section 498B(j)(1) of the Foreign Assistance Act of 1961, and the "notwithstanding" authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SEC. 201. SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 10 the following:

"CHAPTER 11—SUPPORT FOR THE ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

"SEC. 498. ASSISTANCE FOR THE INDEPENDENT STATES.

"The President is authorized to provide assistance to the independent states of the former Soviet Union under this chapter for the following activities:

"(1) URGENT HUMANITARIAN NEEDS.—Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular—

"(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

"(B) continuing efforts to rebuild from the earthquake in Armenia.

"(2) DEMOCRACY.—Establishing a democratic and free society by fostering—

"(A) political, social, and economic pluralism;

"(B) respect for internationally recognized human rights and the rule of law;

"(C) the development of institutions of democratic governance, including electoral and legislative processes;

"(D) the institution and improvement of public administration at the national, intergovernmental, regional, and local level;

"(E) the development of a free and independent media;

"(F) the development of effective control by elected civilian officials over, and the development of a nonpolitical officer corps in, the military and security forces; and

"(G) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e).

"(3) FREE MARKET SYSTEMS.—Creating and developing private enterprise and free market systems based on the principle of private ownership of property, including—

"(A) the development of private cooperatives, credit unions, and labor unions;

"(B) the improvement in the collection and analysis of statistical information;

"(C) the reform and restructuring of banking and financial systems; and

"(D) the protection of intellectual property.

"(4) TRADE AND INVESTMENT.—Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

"(5) FOOD DISTRIBUTION AND PRODUCTION.—Promoting market-based mechanisms for the distribution of the inputs necessary to agricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

"(6) HEALTH AND HUMAN SERVICES.—Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net, particularly for infants, children, and people with disabilities.

"(7) EDUCATION AND EDUCATIONAL TELEVISION.—Promoting broad-based educational reform at all levels, in particular—

"(A) by assisting the development of curricula and by making available textbooks, other educational materials, and appropriate telecommunications technologies for the delivery of educational and instructional programming; and

"(B) by assisting the development of the skills necessary to produce educational television programs aimed at promoting basic skills and the human values associated with a democratic society and a free market economy.

"(8) ENERGY EFFICIENCY AND PRODUCTION.—Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; supporting developmentally sound capital energy projects that utilize United States advanced coal technologies; and promoting efficient production, use, and transportation of oil, gas, coal, and other sources of energy.

"(9) CIVILIAN NUCLEAR REACTOR SAFETY.—Implementing—

"(A) a program of short-term safety upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

"(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

"(10) ENVIRONMENT.—Enhancing the human and natural environment and conserving environmental resources, including through—

"(A) facilitation of the adoption of environmentally-sound policies and technologies, environmental restoration, and sustainable use of natural resources;

"(B) promotion of the provision of environmental technology, education, and training by United States businesses, not-for-profit organizations, and institutions of higher education; and

"(C) promotion of cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure.

"(11) TRANSPORTATION AND TELECOMMUNICATIONS.—Improving transportation and telecommunications infrastructure and management, including intermodal transportation systems to ensure the safe and efficient movement of people, products, and materials.

"(12) DRUG EDUCATION, INTERDICTION, AND ERADICATION.—Promoting drug education, interdiction, and eradication programs.

"(13) MIGRATION.—Protecting and caring for refugees, displaced persons, and other migrants; addressing the root causes of migration; and promoting the development of appropriate immigration and emigration laws and procedures.

"SEC. 498A. CRITERIA FOR ASSISTANCE TO GOVERNMENTS OF THE INDEPENDENT STATES.

"(a) IN GENERAL.—In providing assistance under this chapter for the government of any independent state of the former Soviet Union, the President shall take into account not only relative need but also the extent to which that independent state is acting to—

"(1) make significant progress toward, and is committed to the comprehensive implementation of, a democratic system based on principles of the rule of law, individual freedoms, and representative government determined by free and fair elections;

"(2) make significant progress in, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration into the world economy, including implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property and respect for contracts);

"(3) respect internationally recognized human rights, including the rights of minorities and the rights to freedom of religion and emigration;

"(4) respect international law and obligations and adhere to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris, including the obligations to refrain from the threat or use of force and to settle disputes peacefully;

"(5) cooperate in seeking peaceful resolution of ethnic and regional conflicts;

"(6) implement responsible security policies, including—

"(A) adhering to arms control obligations derived from agreements signed by the former Soviet Union;

"(B) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

"(C) not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies; and

"(D) restraining conventional weapons transfers;

"(7) take constructive actions to protect the international environment, prevent significant transborder pollution, and promote sustainable use of natural resources;

"(8) deny support for acts of international terrorism;

"(9) accept responsibility for paying an equitable portion of the indebtedness to United States firms incurred by the former Soviet Union;

"(10) cooperate with the United States Government in uncovering all evidence regarding Americans listed as prisoners-of-war, or otherwise missing during American operations, who were detained in the former Soviet Union during the Cold War; and

"(11) terminate support for the communist regime in Cuba, including removal of troops, closing of military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance.

"(b) INELIGIBILITY FOR ASSISTANCE.—The President shall not provide assistance under this chapter—

"(1) for the government of any independent state that the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

"(2) for the government of any independent state that the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations derived from agreements signed by the former Soviet Union;

"(3) for the government of any independent state that the President determines has, on or after the date of enactment of this chapter, knowingly transferred to another country—

"(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime; or

"(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or tech-

nology was to be used by such country in the manufacture of such weapon;

"(4) for the government of any independent state that is prohibited from receiving such assistance by section 669 or 670 of this Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; or

"(5) for the Government of Russia if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States troops from Estonia, Latvia, and Lithuania or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

"(c) EXCEPTIONS TO INELIGIBILITY.—Assistance prohibited by subsection (b) or any similar provision of law, other than assistance prohibited by the provisions referred to in subsection (b)(4), may be furnished under any of the following circumstances:

"(1) The President determines that furnishing such assistance is important to the national interest of the United States.

"(2) The President determines that furnishing such assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance.

"(3) The assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster.

The President shall immediately report to the Congress any determination under paragraph (1) or (2) or any decision to provide assistance under paragraph (3).

"SEC. 498B. AUTHORITIES RELATING TO ASSISTANCE AND OTHER PROVISIONS.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) TECHNICAL AND MANAGERIAL ASSISTANCE.—Technical assistance under this chapter shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

"(c) ENTERPRISE FUNDS.—Activities supported pursuant to this chapter may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this chapter, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this chapter.

"(d) COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS.—Assistance under this chapter may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

"(e) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in the independent states of the former Soviet Union under paragraph (2)(G) of section 498, the President may exercise the same authorities as are available under section 534 of this Act, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(f) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(g) USE OF SEED AGENCY FUNDS AND ADMINISTRATIVE AUTHORITIES.—The President may authorize any agency of the United States Government that has authority to conduct activities under the Support for East European Democracy (SEED) Act of 1989 to use—

"(1) any funds that are available to it for activities related to international affairs outside Eastern Europe, and

"(2) any administrative authorities that are available to it for activities with respect to Eastern Europe,

to conduct activities authorized by section 498 with respect to the independent states of the former Soviet Union.

"(h) PROCUREMENT RESTRICTIONS.—Funds made available for assistance under this chapter may be used for procurement—

"(1) in the United States, the independent states of the former Soviet Union, or a developing country; or

(2) in any other country but only if—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in paragraph (1); or

"(B) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

"(i) to meet unforseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in paragraph (1), or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

"(i) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law (except as otherwise provided in subsection (j)).

"(j) WAIVER OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Funds authorized to be appropriated for fiscal year 1993 by this chapter, and any other funds appropriated for fiscal year 1993 that are used under the authority of subsection (f) or (g), may be used to provide assistance under this chapter notwithstanding any other provision of law, except for—

"(A) this chapter;

"(B) section 634A of this Act and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

"(C) sections 669 and 670 of this Act and sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961, to the extent that they apply to assistance to governments; and

"(D) section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act'), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

"(2) NUCLEAR REACTOR SAFETY AND RELATED ACTIVITIES.—Any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology) shall not apply with respect to funds used pursuant to this chapter.

"(k) DEFINITIONS.—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this chapter, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—As used in this chapter, the terms 'independent states of the former Soviet Union' and 'independent states' have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

"SEC. 498C. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this chapter, there are authorized to be appropriated to the President for fiscal year 1993 $410,000,000, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

"(b) OPERATING EXPENSES.—

"(1) AUTHORITY TO TRANSFER PROGRAM FUNDS.—Subject to paragraph (2), funds made available under subsection (a) may be transferred to, and merged with, funds appropriated for 'Operating Expenses of the Agency for International Development'. Funds so transferred may be expended for administrative costs in carrying out this chapter, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this chapter.

"(2) LIMITATION ON AMOUNT TRANSFERRED.—Not more than 2 percent of the funds made available for a fiscal year under subsection (a) may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act.".

SEC. 202. INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF UNITED STATES NATIONALS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 if—

(1) on the date of enactment of this Act, there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

(A) A declared refusal of the defendant to comply.

(B) The unwillingness or failure of local authorities to enforce compliance.

(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

(b) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—The prohibition contained in subsection (a) shall not apply to the provision of assistance to alleviate suffering resulting from a natural or man-made disaster.

(c) WAIVER AUTHORITY.—The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that—

(1) the court's judgment has been executed; or

(2) it is important to the national interest of the United States to do so.

(d) REPORT.—Nine months after the date of enactment of this Act, the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

(e) UNITED STATES PERSON.—For purposes of this section, the term "United States person" means—

(1) any citizen, national, or permanent resident alien of the United States; and

(2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1).

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

SEC. 301. AMERICAN BUSINESS CENTERS.

(a) ESTABLISHMENT.—The President is authorized and encouraged to establish American Business Centers in the independent states of the former Soviet Union receiving assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

(b) ENVIRONMENTAL BUSINESS CENTERS AND AGRIBUSINESS CENTERS.—For purposes of this section, the term "American Business Centers" includes the following:

(1) Environmental business centers in those independent states that offer promising market possibilities for the export of United States environmental goods and services. To the maximum extent practicable, these environmental business centers should be established as a component of other centers.

(2) Agribusiness centers that include the participation of private United States agribusinesses or agricultural cooperatives, private nonprofit organizations, State universities and land grant colleges, and financial institutions, that make appropriate contributions of equipment, materials, and personnel for the operation of such centers. The purposes of these agribusiness centers shall be—

(A) to enhance the ability of farmers and other agribusiness practitioners in the independent states to better meet the needs of the people of the independent states;

(B) to assist the transition from a command and control system in agriculture to a free market system; and

(C) to facilitate the demonstration and use of United States agricultural equipment and technology.

(c) ADDITIONAL POLICY GUIDANCE.—To the maximum extent possible, and consistent with the particular purposes of the specific types of centers, the President should direct that—

(1) the American Business Centers established pursuant to this section place special emphasis on assistance to United States small- and medium-sized businesses to facilitate their entry into the commercial markets of the independent states;

(2) such centers offer office space, business facilities, and market analysis services to United States firms, trade associations, and State economic development offices on a user-fee basis that minimizes the cost of operating such centers;

(3) such centers serve as a repository for commercial, legal, and technical information, including environmental and export control information;

(4) such centers identify existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance;

(5) such centers be established in several sites in the independent states; and

(6) host countries be asked to make appropriate contributions of real estate and personnel for the establishment and operation of such centers.

(d) FUNDING.—

(1) REIMBURSEMENT AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Agency for International Development shall conclude a reimbursement agreement with the Secretary of Commerce for the Department of Commerce's services in establishing and operating American Business Centers pursuant to this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $12,000,000 for fiscal year 1993 are authorized to be appropriated to carry out this section, in addition to amounts otherwise available for such purpose.

SEC. 302. BUSINESS AND AGRICULTURE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The President is authorized to establish an advisory council to be known as the Independent States Business and Agriculture Advisory Council (hereinafter in this section referred to as the "Council")—

(1) to consult with and advise the President periodically regarding programs of assistance for the independent states of the former Soviet Union; and

(2) to evaluate, and consult periodically with the President regarding, the adequacy of bilateral and multilateral assistance programs that would facilitate exports by United States companies to, and investments by United States companies in, the independent states.

(b) MEMBERSHIP.—The Council should consist of 15 members, appointed by the President, who are drawn from United States companies reflecting diverse businesses and perspectives that have experience and expertise in dealing with the independent states of the former Soviet Union. The President should designate one such member to serve as Chair of the Council. Five such members should be appointed upon the recommendation of the Speaker and the Minority Leader of the House of Representatives and 5 should be appointed upon the recommendation of the Majority Leader and Minority Leader of the Senate. Members of the Council shall receive no compensation from the United States Government by reason of their service on the Council.

(c) STAFF.—Upon request of the Chair of the Council, the head of any United States Government agency may detail, on a nonreimbursable basis, any of the personnel of such agency to the Council to assist the Council.

SEC. 303. FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS.

(a) ALLOCATION OF A.I.D. FUNDS.—The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961—

(1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1), including activities relating to the export of intermediary goods; and

(2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

(b) EXPORT PROMOTION, FINANCE, AND RELATED ACTIVITIES.—The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of the former Soviet Union, including the following:

(1) Increasing the United States and Foreign Commercial Service presence in the independent states, in particular in the Russian Far Eastern cities of Vladivostok and Khabarovsk.

(2) Preparing profiles of export opportunities for United States businesses in the independent states and providing other technical assistance.

(3) Utilizing the Market Development Cooperator Program under section 2303 of the Export Enhancement Act of 1988 (15 U.S.C. 4723).

(4) Developing programs specifically for the purpose of assisting small- and medium-sized businesses in entering commercial markets of the independent states. In carrying out this paragraph, the Secretary of Commerce, to the extent possible, should work directly with private sector organizations with proven experience in trade and economic relations with the independent states.

(5) Supporting projects undertaken by the United States business community on the basis of partnership, joint venture, contractual, or other cooperative agreements with appropriate entities in the independent states.

(6) Supporting export finance programs, feasibility studies, political risk insurance, and other related programs through increased funding and flexibility in the implementation of such programs.

(7) Supporting the Business Information Service (BISNIS) and its related programs.

SEC. 304. INTERAGENCY WORKING GROUP ON ENERGY OF THE TRADE PROMOTION COORDINATING COMMITTEE.

The Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist United States energy sector companies to develop a long-term strategy for penetrating the energy market in the independent states of the former Soviet Union. The working group should—

(1) work with officials from the independent states in creating an environment conducive to United States energy investment;

(2) help to coordinate assistance to United States companies involved with projects to clean up former Soviet nuclear weapons sites and commercial nuclear waste; and

(3) work with representatives from United States business and industry involved with the energy sector to help facilitate the identification of business opportunities, including the promotion of oil, gas, and clean coal technology and products, energy efficiency, and the formation of joint ventures between United States companies and companies of the independent nations.

SEC. 305. REPORTS TO CONGRESS.

Not later than January 31 of each year (beginning in 1994), the Secretary of Commerce shall submit to the Congress a report—

(1) describing the implementation of the preceding sections of this title;

(2) analyzing the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union, and

(3) examining the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage against United States companies.

SEC. 306. POLICY ON COMBATTING TIED AID PRACTICES.

Should the Secretary of the Treasury determine that foreign countries are engaged in tied aid practices with respect to any of the independent states of the former Soviet Union that violate the 1991 Helsinki agreement of the Organization for Economic Cooperation and Development, the President should give priority attention to combating such practices.

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SEC. 307. TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST.

(a) AUTHORIZATION.—The President is authorized to provide technical assistance, through an American university in a region which received nonstop air service to and from the Russian Far East as of July 1, 1992, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out subsection (a).

SEC. 308. FUNDING FOR OPIC PROGRAMS.

(a) AUTHORITY TO MAKE ADDITIONAL FUNDS AVAILABLE.—Funds authorized to be appropriated for fiscal year 1993 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 may be made available to cover costs incurred by the Overseas Private Investment Corporation in carrying out programs with respect to the independent states of the former Soviet Union under title IV of chapter 2 of part I of that Act (22 U.S.C. 2191 and following), in addition to amounts otherwise available for that purpose.

(b) ENACTMENT OF OPIC AUTHORIZATION ACT.—The authority of subsection (a) shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—THE DEMOCRACY CORPS

SEC. 401. AUTHORIZATION FOR ESTABLISHMENT OF THE DEMOCRACY CORPS.

(a) ESTABLISHMENT; PURPOSE.—The President is authorized to provide for the establishment of the Democracy Corps as a private nonprofit organization, incorporated in the District of Columbia, whose purpose shall be to maintain a presence in the independent states of the former Soviet Union as described in subsection (c).

(b) BOARD OF DIRECTORS.—The Board of Directors of the Democracy Corps shall have not more than 10 members, appointed by the President. Individuals appointed to the Board—

(1) shall, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps, including involvement either with activities of the type described in subsection (d) or in the independent states;

(2) shall be United States citizens; and

(3) may not be officers or employees of the United States Government or Members of Congress.

(c) GRANTS TO THE DEMOCRACY CORPS; PURPOSE.—The Administrator is authorized to make an annual grant to the Democracy Corps with the funds made available pursuant to this section. The purpose of such grants shall be to enable the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through "on the ground" person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d).

(d) ACTIVITIES.—The Democracy Corps shall be required to carry out its purpose through the placement within the independent states of teams of United States citizens with appropriate expertise and knowledge. Under guidelines developed by the Board, these teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c) by—

(1) providing advice and technical assistance;

(2) making small grants (which in most cases should not exceed $5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) identifying other sources of assistance; and

(4) operating local centers to serve as information, logistical, and educational centers and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

These local centers may be designated as "Democracy Houses" or given another appropriate appellation.

(e) GRANT AGREEMENT.—Grants under this section shall be made pursuant to a grant agreement requiring the Democracy Corps to comply with the requirements specified in this section and with such other terms and conditions as the Administrator may require, which shall include requirements regarding consultation with the coordinator designated pursuant to section 102(a), conflicts of interest, and accountability for funds, including a requirement for annual independent audits.

(f) COORDINATION.—The Democracy Corps shall be required to—

(1) coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society; and

(2) ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

(g) PROHIBITION ON CAMPAIGN FINANCING.—Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps, to finance the campaigns of candidates for public office.

(h) FREEDOM OF INFORMATION.—

(1) IN GENERAL.—Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to comply fully with all of the provisions of section 552 of title 5, United States Code.

(2) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

(3) AID REVIEW.—In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request. If the Administrator approves such determination, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request. If the Administrator disapproves such determination, the Democracy Corps shall be required to comply with such request.

(i) ANNUAL REPORTS.—The Board shall be required to submit to the Administrator and the Congress, not later than January 31 each year, a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) during the preceding fiscal year, specifying the grantee and the amount of the grant.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $15,000,000 for fiscal year 1993 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

(k) SUNSET PROVISION.—Grants may not be made to the Democracy Corps under this section after the end of fiscal year 1997.

(l) DEFINITIONS.—As used in this section—

(1) the term "Administrator" means the Administrator of the Agency for International Development; and

(2) the term "Board" means the Board of Directors of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

SEC. 501. FINDINGS.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction of the independent states of the former Soviet Union;

(B) the prevention of proliferation of weapons of mass destruction and destabilizing conventional weapons of the independent states, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the conversion of the massive defense-related industry and equipment of the independent states of the former Soviet Union for civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states.

SEC. 502. ELIGIBILITY.

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 503 and 504 only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

SEC. 503. NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical

weapons, their delivery systems, and conventional weapons of the independent states of the former Soviet Union;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF DEFENSE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, funds made available pursuant to sections 108 and 109 of Public Law 102-229 or under the amendments made by section 506(a) of this Act.

(2) LIMITATION.—Funds described in paragraph (1) may not be obligated for programs and activities under subsection (a) unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 504. NONPROLIFERATION AND DISARMAMENT FUND.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states of the former Soviet Union;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF SECURITY ASSISTANCE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, up to $100,000,000 of security assistance funds for fiscal year 1993.

(2) DEFINITION.—As used in paragraph (1), the term "security assistance funds" means funds made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) or assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(3) EXEMPTION FROM CERTAIN RESTRICTIONS.—Section 531(e) of the Foreign Assistance Act of 1961, and any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection.

SEC. 505. LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES.

Notwithstanding any other provision of law (including any other provision of this Act), funds may not be obligated in any fiscal year for purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities, as authorized by sections 503(a)(6) and 504(a)(6) or any other provision of law, unless the President has previously obligated in the same fiscal year an amount equal to or greater than that amount of funds for defense conversion and defense transition activities in the United States. For purposes of this section, the term "defense conversion and defense transition activities in the United States" means those United States Government funded programs whose primary purpose is to assist United States private sector defense workers, United States companies that manufacture or otherwise provide defense goods or services, or United States communities adversely affected by reductions in United States defense spending, such as programs funded through the Office of Economic Adjustment in the Department of Defense, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through the Economic Development Administration.

SEC. 506. SOVIET WEAPONS DESTRUCTION.

(a) ADDITIONAL FUNDING.—

(1) AUTHORIZATION AMOUNT.—Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is amended by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(2) AUTHORIZATION PERIOD.—Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102-229.—Public Law 102-229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102-228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102-228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—The amendments made by this section shall not be effective if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that authorizes the transfer of an amount that is the same or greater than the amount that is authorized by the amendment made by subsection (a)(1) of this section and enacts amendments identical to those in subsections (a)(2) and (b) of this section. If that Act enacts such amendments, sections 503 and 508 of this Act shall be deemed to apply with respect to the funds made available under such amendments.

SEC. 507. WAIVER OF CERTAIN PROVISIONS.

(a) IN GENERAL.—Funds made available for fiscal year 1993 under sections 503 and 504 to provide assistance or otherwise carry out programs and activities with respect to the independent states of the former Soviet Union under those sections may be used notwithstanding any other provision of law, other than the provisions cited in subsection (b).

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) this title; and

(2) section 1341 of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

SEC. 508. NOTICE AND REPORTS TO CONGRESS.

(a) NOTICE OF PROPOSED OBLIGATIONS.—Not less than 15 days before obligating any funds under section 503 or 504 or the amendments made by section 506(a), the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligations; and

(2) the activities and forms of assistance for which the President plans to obligate such funds.

(b) SEMIANNUAL REPORT.—Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies in such activities.

(4) A description of the activities carried out and the forms of assistance provided.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 503 and 504 and the amendments made by section 506(a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(2) the committee to which the specified activities of section 503(a) or 504(a) or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

SEC. 509. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) FORM OF ASSISTANCE.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(f) AVOIDANCE OF DUPLICATIVE AUTHORIZATIONS.—This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

SEC. 510. REPORT ON SPECIAL NUCLEAR MATERALS.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare, in consultation with the Secretary of Defense and the Secretary of Energy, and shall transmit to the Congress a report on the possible alternatives for the ultimate disposition of special nuclear materials of the former Soviet Union. This report shall include—

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

(2) a discussion of relevant issues such as the protection of United States uranium producers from dumping, the relative vulnerability of these stocks of special nuclear materials to illegal proliferation, and the potential electrical and other savings associated with their being made available in the fuel cycle in the United States; and

(3) a discussion of how highly enriched uranium stocks could be diluted for reactor fuel.

SEC. 511. RESEARCH AND DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (hereinafter in this section referred to as the "Director") is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the "Foundation") in consultation with the Director of the National Institute of Standards and Technology.

(b) PURPOSES.—The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist in the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(c) FUNCTIONS.—In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

(d) FUNDING.—

(1) USE OF CERTAIN DEPARTMENT OF DEFENSE FUNDS.—(A) To the extent funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to

the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the United States Government may be funds appropriated in the national defense budget function (function 050).

(2) CONTRIBUTION TO ENDOWMENT BY PARTICIPATING INDEPENDENT STATES.—As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

(3) DEBT CONVERSIONS.—To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

(4) LOCAL CURRENCIES.—In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

(5) INVESTMENT OF GOVERNMENT ASSISTANCE.—The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) OTHER FUNDS FROM GOVERNMENT AND NONGOVERNMENTAL SOURCES.—The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

TITLE VI—SPACE TRADE AND COOPERATION

SEC. 601. FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION.

(a) EXPEDITED REVIEW.—Any request for a license or other approval described in subsection (c) that is submitted to any United States Government agency by the National Aeronautics and Space Administration, any of its contractors, or any other person shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

(b) NOTICE TO CONGRESS IF LICENSE DENIED.—If any United States Government agency denies a request for a license or other approval described in subsection (c), that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

(c) DESCRIPTION OF DISCUSSIONS.—This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into—

(1) United States space projects that have been approved by the Congress, or

(2) commercial space ventures,

including discussions relating to technical evaluation of such hardware, technology, or service.

SEC. 602. OFFICE OF SPACE COMMERCE.

(a) TRADE MISSIONS.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

(b) MONITORING NEGOTIATIONS.—The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 601(c)(1) that are being conducted; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

SEC. 603. REPORT TO CONGRESS.

Within one year after the date of enactment of this title, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 601(c);

(4) the trade missions carried out pursuant to section 602(a), including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 602(b).

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "contractor" means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor's responsibilities under the contract; and

(2) the term "designated congressional committees" means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

TITLE VII—AGRICULTURAL TRADE

SEC. 701. FOOD FOR PROGRESS ACT.

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

(1) in subsection (b)—

(A) by inserting "(including the independent states of the former Soviet Union)" after "such countries";

(B) by striking "or cooperatives" and inserting "cooperatives, or other private entities";

(C) by inserting "(1)" after "(b)"; and

(D) by adding at the end the following:

"(2) The annual tonnage limitation contained in subsection (g) shall not apply with respect to commodities furnished to the independent states of the former Soviet Union during fiscal year 1993.";

(2) by amending subsection (f)(1) to read as follows:

"(f)(1) The Commodity Credit Corporation may provide for—

"(A) grants, or

"(B) in the case of the independent states of the former Soviet Union, sales on credit terms, of commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section."; and

(3) by adding at the end the following:

"(m) In carrying out this section with respect to the independent states of the former Soviet Union, the President shall approve, as determined appropriate by the President, agreements with private voluntary organizations and cooperatives that provide for—

"(1) the sale of commodities, including the marketing of these commodities through the private sector; and

"(2) the use in the independent states of the proceeds generated in the humanitarian and development programs of such private voluntary organizations and cooperatives.

"(n) As used in this section, the term 'independent states of the former Soviet Union' means the independent states of the former Soviet Union as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)).".

SEC. 702. DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978.

(a) AGRICULTURAL COMMODITY.—Section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)) is amended by striking "feed, or fiber" and inserting "feed, fiber, or livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) and insects)".

(b) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) is amended by adding at the end the following:

"(8) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' means the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 703. ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS.

The President is encouraged to use funds made available under section 109 of Public Law 102–229 (105 Stat. 1708), and funds made available under chapter 11 of part I of the Foreign Assistance Act of 1961, to assist private voluntary organizations and cooperatives in carrying out food assistance programs for the independent states of the former Soviet Union under—

(1) section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o);

(2) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

(3) title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

SEC. 704. DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that, in order to avoid waste and to ensure fair and equitable distribution of food and commodities provided to the independent states of the former Soviet Union, the President should, as appropriate, when discussing and planning the provision of such food aid, whether acting unilaterally or multilaterally with other donor countries, encourage the involvement of suitable multinational organizations to monitor the transport and distribution of such food aid within such entities.

SEC. 705. AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES.

(a) ELIGIBLE COUNTRIES.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in subsection (a) by striking "middle income countries and emerging democracies" and by inserting "(as determined under subsection (b))" after "eligible countries"; and

(2) in subsection (b)—

(A) by striking "that meet the following requirements" in the text preceding paragraph (1) and inserting "described in any of the following paragraphs"; and

(B) by adding at the end the following:

"(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—A country that is an independent state of the former Soviet Union (as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)), to the extent that the Secretary of Agriculture determines that such country should be eligible to participate in the program established under this section.".

(b) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—Section 1543(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293(b)) is amended by adding at the end the following: "The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.".

SEC. 706. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES.

Section 1542 of the Agricultural Development and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) in subsection (a)—

(A) by inserting "direct credits or" before "export credit";

(B) by inserting "201 or" before "202"; and

(C) by inserting "or authorized" after "required";

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) FACILITIES AND SERVICES.—";

(B) by striking "for the establishment or improvement by United States persons of facilities in emerging democracies" and inserting the following: "for—

"(1) the establishment or improvement of facilities, or

"(2) the provision of services or United States produced goods,

in emerging democracies by United States persons"; and

(C) by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection—

"(1) to opportunities or projects identified under subsection (d)(1);

"(2) to projects that encourage the privitization of the agricultural sector or that benefit private farms or cooperatives in emerging democracies; and

"(3) to projects for which nongovernmental persons agree to assume a relatively larger share of the costs.";

(3) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(4) by amending subsection (d)(1)(D) to read as follows:

"(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under paragraph (1)(A).".

SEC. 707. DIRECT CREDIT SALES.

(a) REQUIRED DETERMINATIONS.—Section 201(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) ELIGIBLE COUNTRIES.—Section 201(d)(1)(C) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)) is amended to read as follows:

"(C) to assist countries in meeting their food and fiber needs, particularly—

"(i) developing countries; and

"(ii) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

(c) RESTRICTIONS.—Section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621) is amended by adding at the end the following new subsection:

"(f) RESTRICTIONS.—The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale.".

(d) REGULATIONS.—The Secretary of Agriculture shall issue final regulations to implement section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), as amended by this section, not later than 30 days after the date of enactment of this Act.

SEC. 708. EXPORT CREDIT GUARANTEES.

(a) REQUIRED DETERMINATIONS.—Section 202(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) PURPOSE OF PROGRAM.—Section 202(d)(3) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) to read as follows:

"(3) to assist countries in meeting their food and fiber needs, particularly—

"(A) developing countries; and

"(B) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

SEC. 709. EXPORT PROMOTION PROGRAMS AMENDMENTS.

(a) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsections (a) and (b), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities" both places it appears; and

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

"(k) SET-ASIDES.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section in connection with sales to the independent states of the former Soviet Union, the Commodity Credit Corporation shall, to the extent practicable and subject to paragraph (2), ensure that no less than 35 percent of the total amount of credit guarantees issued for a fiscal year are issued to promote the export of processed and high-value agricultural products and that the balance are issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The 35 percent requirement of paragraph (1) shall apply for a fiscal year only to the extent that the percentage of the total amount of credit guarantees issued for that fiscal year under this section to promote the export to all countries of processed and high-value agricultural products is less than 25 percent.".

(b) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT ENHANCEMENT PROGRAM.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended—

(1) in subsection (a), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities"; and

(2) in subsection (e)—

(A) by striking "The Commodity" and inserting the following:

"(1) IN GENERAL.—The Commodity"; and

(B) by adding at the end the following new paragraph:

"(2) SET-ASIDES.—(A) For each fiscal year, the Corporation shall, to the extent practicable and subject to subparagraph (B), ensure that no less than 25 percent of the total of—

"(i) the funds expended, and

"(ii) the value of any commodities made available,

under this section in connection with sales of agricultural commodities to the independent states of the former Soviet Union is used to promote the export of processed and high-value United States agricultural products and that the balance of the funds expended and commodities made available under this section in connection with such sales is used to promote the export of bulk or raw United States agricultural commodities.

"(B) The 25 percent requirement of subparagraph (A) shall apply for a fiscal year only to the extent that the percentage of the total of—

"(i) the funds expended, and

"(ii) the value of commodities made available,

for that fiscal year under this section to promote the export to all countries of processed and high-value United States agricultural products is less than 15 percent.".

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

SEC. 801. DESIGNATION OF EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), is amended by adding at the end the following new subsection:

"(f) DESIGNATION OF PROGRAM AND SCHOLARSHIPS.—

"(1) The scholarship program established by this section shall be known as the 'Edmund S. Muskie Fellowship Program'.

"(2) Scholarships provided under this section shall be known as 'Muskie Fellowships'.".

SEC. 802. NEW DIPLOMATIC POSTS IN THE INDEPENDENT STATES.

There are authorized to be appropriated for "NEW DIPLOMATIC POSTS" for personnel, support, and other expenses, not otherwise provided for, for the Department of State and the United States Information Agency to establish and operate new diplomatic posts in the independent states of former Soviet Union, $25,000,000 for fiscal year 1993, which are authorized to remain available until September 30, 1994.

SEC. 803. OCCUPANCY OF NEW CHANCERY BUILDINGS.

Subsections (f) and (g) of section 132 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are repealed.

SEC. 804. CERTAIN POSITIONS AT UNITED STATES MISSIONS.

(a) AMENDMENT.—Section 1004(a) of the Omnibus Diplomatic Security and Anti-Terrorism Act

of 1986 is amended by adding at the end the following: "Not less than 15 shall be provided during fiscal year 1993.".

(b) FUNDING.—In addition to the funds made available pursuant to section 1005(c) of that Act, funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 may be used in carrying out the amendment made by subsection (a) with respect to missions in the independent states of the former Soviet Union.

SEC. 805. INTERNATIONAL DEVELOPMENT LAW INSTITUTE.

For purposes of the International Organizations Immunities Act (22 U.S.C. 288 and following), the International Development Law Institute shall be considered to be a public international organization in which the United States participates under the authority of an Act of Congress authorizing such participation.

SEC. 806. CERTAIN BOARD FOR INTERNATIONAL BROADCASTING CONSTRUCTION ACTIVITIES.

Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (104 Stat. 63), is amended by adding at the end the following:

"(3) For purposes of the notification requirements of section 634A(c) of the Foreign Assistance Act of 1961, any action by the Board for International Broadcasting or its agents, after the date of enactment of this paragraph, to require or allow the construction authorized by this subsection to proceed shall be treated as a reprogramming of funds subject to the notification requirements of the annual Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act. Amounts authorized to be appropriated under paragraph (1) shall be available for expenditure for construction services only in accordance with the procedures applicable under that section.".

SEC. 807. EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.

(a) FUNDING FOR EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out a broad spectrum of exchanges, and of training and similar programs to promote the objectives described in section 498 of the Foreign Assistance Act of 1961, between the United States and the independent states of the former Soviet Union, there are authorized to be appropriated for fiscal year 1993 (in addition to amounts otherwise available for such purposes) the following:

(A) $20,000,000 for exchange programs for secondary school students.

(B) $30,000,000 for programs for participants other than secondary school students, including undergraduate and graduate students, farmers and other agribusiness practitioners, and participants in the exchanges carried out under paragraph (2).

(2) LOCAL AND REGIONAL SELF-GOVERNMENT EXCHANGES.—The Director of the United States Information Agency is authorized to use funds authorized to be appropriated by paragraph (1)(B) to conduct exchanges to provide technical assistance in local and regional self-government to the independent states.

(3) REPORT ON PROPOSED FUNDING ALLOCATIONS.—Within 45 days after the date of the enactment of this Act, the coordinator designated pursuant to section 102(a) of this Act shall submit to the Congress a report specifying the amount of funds authorized to be appropriated by paragraph (1) that is proposed to be allocated for each category of program and for each Government agency.

(4) PROGRAM ADMINISTRATION.—

(A) USIA.—Educational, cultural, and any other exchange programs carried out under this subsection, including any such programs for secondary school students, shall be administered by the United States Information Agency, and funds allocated for such programs shall be transferred to that Agency.

(B) OTHER AGENCIES.—Training and other non-exchange programs carried out under this subsection shall be administered by the Agency for International Development or such other Government agency as has experience and expertise in carrying out such programs.

(5) ADMINISTRATIVE EXPENSES.—Up to 5 percent of the funds made available to each Government agency under this subsection may be used by that agency for administrative expenses of program implementation.

(b) ENHANCEMENT OF USIA EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the United States Information Agency for fiscal year 1993 for enhancement of existing educational and cultural exchange programs the following:

(1) $9,950,000 for Fulbright Academic Exchange Programs.

(2) $10,850,000 for other programs administered by the Bureau of Educational and Cultural Affairs.

(c) REPEAL.—Effective 6 months after the date of enactment of this Act, section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and the item relating to that section in the table of contents set forth in section 2 of that Act, are repealed.

(d) AGRIBUSINESS EXCHANGES.—

(1) AUTHORIZATION.—The President is authorized to establish regional agribusiness offices at State universities and land grant colleges in the United States for the purpose of expanding exchanges between agribusiness practitioners in the United States and agribusiness practitioners in the independent states of the former Soviet Union.

(2) LIMITATION ON FUNDING SOURCES.—Funds authorized to be appropriated by this section or other provisions of this Act (including chapter 11 of part I of the Foreign Assistance Act of 1961) may not be used to carry out this subsection.

TITLE IX—OTHER PROVISIONS

SEC. 901. FOREIGN ASSISTANCE ACT LIST OF COMMUNIST COUNTRIES.

Paragraph (1) of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)) is amended by striking out from the list of countries in the last sentence of that paragraph the following: "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

SEC. 902. JOHNSON ACT.

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the independent states of the former Soviet Union, or any political subdivision, organization, or association thereof.

SEC. 903. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT.

(a) SCOPE OF AUTHORITY.—The Support for East European Democracy (SEED) Act of 1989 is amended by inserting after section 2 (22 U.S.C. 5401) the following:

"SEC. 3. SCOPE OF AUTHORITY.

"(a) GENERAL AUTHORIZATION.—The President is authorized to conduct activities for any East European country that are similar to any activity authorized by this Act to be conducted in Poland or Hungary (excluding those authorized by section 102 or the amendments made by sections 301 and 304) if such similar activities would effectively promote a transition to market-oriented democracy.

"(b) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in East European countries, the President may exercise the same authorities with respect to those countries as are available under section 534 of the Foreign Assistance Act of 1961, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(c) DEFINITION OF EAST EUROPEAN COUNTRY.—For purposes of this Act, the term 'East European country' includes Albania, Bulgaria, the Czech and Slovak Federal Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and states that were part of the former Socialist Federal Republic of Yugoslavia.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of that Act is amended by inserting after the item relating to section 2 insert the following:

"Sec. 3. Scope of authority.".

SEC. 904. PEACE CORPS VOLUNTEER TRAINING REQUIREMENTS.

Section 8(c) of the Peace Corps Act (22 U.S.C. 2507(c)) is repealed.

SEC. 905. ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES.

(a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in section 599D (8 U.S.C. 1157 note)—

(1) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(2) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union" and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

SEC. 906. ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES.

(a) ELIGIBILITY.—Estonia, Latvia, and Lithuania shall each be eligible—

(1) to purchase, or to receive financing for the purchase of, nonlethal defense articles—

(A) under the Arms Export Control Act (22 U.S.C. 2751 et seq.), without regard to section 3(a)(1) of that Act, or

(B) under section 503 of the Foreign Assistance Act of 1961 (22 U.S.C. 2311), without regard to the requirement in subsection (a) of that section for a Presidential finding; and

(2) to receive nonlethal excess defense articles transferred under section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m), without

regard to the restrictions in subsection (a) of that section.

(b) DEFINITIONS.—As used in this section—

(1) the term "defense article" has the same meaning given to that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)); and

(2) the term "excess defense article" has the same meaning given to that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

SEC. 907. RESTRICTION ON ASSISTANCE TO AZERBAIJAN.

United States assistance under this or any other Act (other than assistance under title V of this Act) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 1001. INTERNATIONAL MONETARY FUND QUOTA INCREASE.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding at the end the following:

"SEC. 56. QUOTA INCREASE.

"The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.

"SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 45-3 of the Board of Governors of the Fund that was approved by such Board on June 28, 1990.

"SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR THE RESERVE ACCOUNT OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY TRUST.

"The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.".

SEC. 1002. INTERNATIONAL MONETARY FUND POLICY CHANGES.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by section 1001 of this Act the following:

"SEC. 59. FUND POLICY CHANGES.

"(a) POLICY CHANGES WITHIN THE IMF.—The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to promote regularly and vigorously in program discussions and quota increase negotiations the following proposals:

"(1) POVERTY ALLEVIATION, REDUCTION OF BARRIERS TO ECONOMIC AND SOCIAL PROGRESS, AND PROGRESS TOWARD ENVIRONMENTALLY SOUND POLICIES AND PROGRAMS.—(A)(i) Considerations of poverty alleviation and the reduction of barriers to economic and social progress should be incorporated into all Fund programs and all consultations under article IV of the Articles of Agreement of the Fund.

"(ii) Preparation of Policy Framework Papers should be extended to all nations which have Fund programs and active Bank or International Development Association lending programs, and existence of a Policy Framework Paper should be a precondition for new lending to such nations by the Fund.

"(iii) All Policy Framework Papers should articulate the principal poverty, economic, and social measures that the borrowing nation needs to address, and this portion of the Policy Framework Paper (or a summary thereof that includes specific measures and timing) should be made available when the Policy Framework Paper is submitted to the Executive Directors of the Bank and of the Fund for consideration.

"(iv) In considering whether to allocate resources of the Fund to a borrower, the Fund should take into consideration the nature of the program and commitment of the borrower to address the issues referred to in clause (iii).

"(v) The Fund should establish procedures to enable the Fund to cooperate with the Bank in evaluating the effectiveness of the measures referred to in clause (iii), at the levels of policy, project design, monitoring, and reporting, in the international financial institutions and in the borrowing nations.

"(B)(i) The Fund should be encouraged to make further progress toward environmentally sound policies and programs.

"(ii) The Fund should incorporate environmental considerations into all Fund programs, including consultations under article IV of the Articles of Agreement of the Fund.

"(iii) The Fund should be encouraged to support the efforts of nations to implement systems of natural resource accounting in their national income accounts.

"(iv) The Fund should be encouraged to assist and cooperate fully with the statistical research being undertaken by the Organization for Economic Cooperation and Development and by the United Nations in order to facilitate development and adoption of a generally applicable system for taking account of the depletion or degradation of natural resources in national income accounts.

"(v) The Fund should be encouraged to consider and implement, as appropriate, revisions in its national income reporting systems consistent with such new systems as are of general applicability.

"(2) POLICY AUDITS.—(A) The Fund should conduct periodic audits to review systematically the policy prescriptions recommended and required by the Fund in the areas of poverty and the environment.

"(B) The purposes of such audits would be—

"(i) to determine whether the Fund's objectives were met; and

"(ii) to evaluate the social and environmental impacts of the implementation of the policy prescriptions.

"(C) Such audits would have access to all ongoing programs and activities of the Fund and the ability to review the effects of Fund-supported programs, on a country-by-country basis, with respect to poverty, economic development, and environment.

"(D) Such audits should be made public as appropriate with due respect to confidentiality.

"(3) ENSURING POLICY OPTIONS THAT INCREASE THE PRODUCTIVE PARTICIPATION OF THE POOR.—The Fund should establish procedures that ensure the focus of future economic reform programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

"(4) PUBLIC ACCESS TO INFORMATION.—(A) The Fund should establish procedures for public access to information.

"(B) Such procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality.

"(C) Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

"(b) PROGRESS REPORT.—Each annual report of the National Advisory Council on International Monetary and Financial Policies shall describe the following:

"(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the proposals set forth in subsection (a) through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

"(2) The status of the progress being made by the Fund in implementing the proposals set forth in subsection (a).

"(c) STUDY.—The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to urge the Fund—

"(1) to explore ways to increase the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs; and

"(2) to report on the status of Fund efforts in this regard.".

SEC. 1003. REDUCTION OF MILITARY SPENDING AND PROMOTION OF LONG-TERM SUSTAINABLE ECONOMIC GROWTH BY DEVELOPING NATIONS.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by sections 1001 and 1002 of this Act the following:

"SEC. 60. MEASURES TO REDUCE MILITARY SPENDING BY DEVELOPING NATIONS.

"(a) DEVELOPMENT BY THE FUND OF MEANS TO MEASURE MILITARY SPENDING.—

"(1) POSITION OF THE UNITED STATES.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, in consultation with the Bank, to continue to develop an economic methodology to measure the level of military spending by each developing country.

"(2) PROGRESS REPORT TO THE CONGRESS.—No later than 1 year after the date of the enactment of this section, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report on the status of the development by the Fund of a workable economic methodology to measure military spending by developing countries.

"(b) ANNUAL REPORTS BY FUND ON LEVELS OF MILITARY SPENDING.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning with 1994, to provide the Executive Board of the Fund with annual reports stating the estimate by the Fund of the level of military spending by each developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country), not later than the date of the annual fall Interim and Development Committee meetings.

"(c) ANALYSIS AND ASSESSMENT OF MILITARY SPENDING TO BE INCLUDED IN ARTICLE IV CONSULTATIONS BY THE FUND.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning no later than the date of the first report provided as described in subsection (b), to include in every article IV consultation

with a developing country an analysis of the level of military spending by the developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country).".

SEC. 1004. SUPPORT FOR MACROECONOMIC STABILIZATION IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

(c) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.

SEC. 1005. ROLE OF THE INTERNATIONAL FINANCE CORPORATION IN SUPPORTING ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding at the end the following:

"SEC. 15. AUTHORITY TO VOTE FOR CAPITAL INCREASES NECESSARY TO SUPPORT ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"The United States Governor of the Corporation may vote in favor of any increase in the capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992).".

SEC. 1006. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding after the section added by section 1005 of this Act the following:

"SEC. 16. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT.

"The United States Governor of the Corporation is authorized to agree to amendments to the Articles of Agreement of the Corporation that would—

"(1) amend Article II, Section 2(c)(ii), to increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a three-fourths majority to a four-fifths majority; and

"(2) amend Article VII(a) to increase the vote by which the Board of Governors of the Corporation may amend the Articles of Agreement of the Corporation from a four-fifths majority to an eighty-five percent majority.".

SEC. 1007. REPORT ON DEBT OF THE FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, shall report to the Congress, not later than one year after the date of enactment of this Act, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

SEC. 1008. HUMAN RIGHTS.

(a) ADVANCEMENT OF HUMAN RIGHTS THROUGH THE IMF AND EBRD.—Section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) is amended by striking "and the African Development Bank," and inserting "the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,".

(b) ACCOUNTING FOR AMERICANS MISSING IN ACTION CONSIDERED IN ASSESSING HUMAN RIGHTS IN THE INDEPENDENT STATES.—Section 701(b)(4) of such Act (22 U.S.C. 262d(b)(4)) is amended by inserting "Russia and the other independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992)," after "Laos,".

SEC. 1009. MULTILATERAL INVESTMENT GUARANTEES FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Not later than 60 days after the date of enactment of this Act, the United States Director of the Multilateral Investment Guarantee Agency shall transmit to the Congress a report analyzing—

(1) the investments in the independent states of the former Soviet Union which have been guaranteed by the Agency; and

(2) the demand for investment guarantees of the type provided by the Agency for investments in the independent states.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
HARRY JOHNSTON,
ELIOT L. ENGEL,
WM. S. BROOMFIELD,
BEN GILMAN,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403 and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
TIMOTHY J. PENNY,
DAN GLICKMAN,
TOM COLEMAN,
PAT ROBERTS,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

LES ASPIN,
DAVE MCCURDY,
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
JOE KENNEDY,
CHALMERS P. WYLIE,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
JIM COOPER,
TERRY L. BRUCE,
CLAUDE HARRIS,
JAMES H. SCHEUER,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
BILL DANNEMEYER,
MICHAEL G. OXLEY,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
NORMAN F. LENT,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

ROBERT A. ROE,
J.L. OBERSTAR,
JOHN PAUL HAMMERSCHMIDT,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
RICK BOUCHER,
ROBERT S. WALKER,

Managers on the Part of the House.

From the Committee on Foreign Relations:

CLAIBORNE PELL,
JOE BIDEN,

PAUL SARBANES,
ALAN CRANSTON,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

PATRICK LEAHY,
BOB KERREY,
RICHARD G. LUGAR,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the committee's jurisdiction of that committee and the Committee on Foreign Relations:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SHORT TITLE

The House amendment (sec. 1) cites the short title of the bill as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

The Senate bill (sec. 101) cites the short title of the bill as the "Freedom for Russian and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

The conference substitute (sec. 1) is the same as the House amendment.

TABLE OF CONTENTS

The House amendment (sec. 2) provides a table of contents for purposes of this act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 2) provides a table of contents for purposes of this act.

DEFINITION

The House amendment (sec. 106) defines the "independent states of the former Soviet Union" or "independent states" as Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

The Senate bill (secs. 103, 204, 303, and 406) contain nearly identical definitions, except in most instances they state that the term "includes" rather than "means" those twelve former republics.

The conference substitute (sec. 3) is the essentially the same as the House amendment. The committee of conference notes that the definition is intended to include entities which evolve from any future subdivision of those states.

TITLE I—GENERAL PROVISIONS

FINDINGS

The Senate bill (sec. 102) contains congressional findings regarding: the current opportunity for a transition to a peaceful and stable international order and the integration of the independent states into the community of democratic nations; the international interest in the transition; the role of the U.S. in providing assistance; the danger from the failure of the transition; the serious environmental problems in the region; and the need to avoid further environmental degradation.

The House amendment (sec. 101) contains similar findings, except it does not include the findings on the environment but does include findings on: the need for coordination of assistance; the need for flexibility in providing assistance; and opportunities for trade and investment.

The conference substitute (sec. 101) combines the House and Senate provisions, but does not include the House finding on flexibility.

PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT; REPORT

The House amendment (sec. 105) provides for a coordinator within the Department of State to coordinate U.S. government activities and policies with respect to the independent states. Within that overall coordination framework, the Secretary of Commerce (as chair of the Trade Promotion Coordination Committee) remains principally responsible for coordination of activities regarding the promotion of U.S. exports, a role which is not intended to interfere with the responsibility of the Secretary of Agriculture for implementation of U.S. agricultural export policy and programs, and the Secretary of the Treasury remains principally responsible for the coordination of activities relating to U.S. participation in international financial institutions. Any agency managing and implementing assistance under this title shall be accountable for such funds.

The Senate bill (sec. 503(c)) encourages the President to designate a coordinator to oversee activities authorized by the act.

The conference substitute (sec. 102) is similar to the House amendment with minor changes. The conference substitute (sec. 103) also requires the coordinator established in section 102 of the conference substitute to submit, as soon as practicable, a report on the overall assistance and economic cooperation strategy for the independent states, including the planned use of assistance funds according to the categories of activities sets forth in title II and in the sections of the conference substitute relating to American Business Centers, export promotion activities and capital projects, and the Democracy Corps of the conference substitute and the intended allocation of assistance to U.S. Government agencies.

ANNUAL REPORT

The House amendment (sec. 104) requires the President to report by January 31 of each year on U.S. assistance to the independent states, including an assessment of the progress by each state on the criteria for eligibility for assistance and a description of provided and planned assistance and an assessment of the effectiveness of U.S. assistance in achieving its purposes.

The Senate bill (sec. 117) contains a requirement that the annual SEED report include an account of assistance for the independent states and the use of waiver authority.

The conference substitute (sec. 104) is similar to the House amendment, but adds a requirement that the report include an evaluation of the use of the authority of the "notwithstanding" clause to waive other existing provisions of law.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES

Section 201 of the conference substitute amends the Foreign Assistance Act by inserting a new chapter 11 in part I to authorize bilateral economic assistance for the independent states of the former Soviet Union.

ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 301) amends the Foreign Assistance Act to authorize a generic list of assistance objectives for the independent states.

The Senate bill (sec. 107) sets forth a series of assistance activities that includes detailed examples of activities that could be undertaken. The Senate bill also contains several separate provisions on specific assistance activities:

Section 111 contains congressional findings regarding the importance of educational television and authorizes the President to use funds appropriated for the independent states of the former Soviet Union to support non-profit corporations of the United States in assisting the independent states to develop the skills necessary to produce educational television programs.

Section 143 authorizes up to $30 million of the funds made available under this Act for contributions to the Intergovernmental Organization for Migration, or other appropriate organizations, to assist and protect refugees, displaced persons, and other migrants, and to address the root causes of migration and to assist developmental institutions in developing immigration laws.

Section 151 authorizes up to $35 million of the funds in this Act to be appropriated to the Secretary of Energy for capital energy projects utilizing advanced coal-based technology.

Section 153 states the sense of the Senate that assistance should be made available for the purchase of books and materials and the development of education programs operated by Junior Achievement International.

Section 154 sets forth the importance and role of a market-based economy and activities to promote the private sector and privatization.

Title II sets forth the International Local Government Exchange Act to provide assistance in public administration for local and regional level public officials, including through exchange programs.

The conference substitute (sec. 201) combines the provisions of the two bills to amend the Foreign Assistance Act with a new section 498 setting forth thirteen generic categories of assistance activities with a general description of each category. The thirteen categories, which are drawn from both bills, are:

(1) Urgent Humanitarian Needs;
(2) Democracy;
(3) Free Market Systems;
(4) Trade and Investment;
(5) Food Distribution and Production;
(6) Health and Human Services;
(7) Education and Educational Television;
(8) Energy Efficiency and Production;
(9) Civilian Nuclear Reactor Safety;

(10) Environment;

(11) Transportation and Telecommunications;

(12) Drug Education, Interdiction, and Eradication; and

(13) Migration.

The committee of conference urges that assistance for the independent states of the former Soviet Union be distributed equitably within each state. Because of the heterogeneous nature of Russia, the committee of conference particularly wishes to ensure that the autonomous regions of Russia receive an equitable share of assistance authorized by this act, including bilateral assistance; financing through the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Program; multilateral assistance; and assistance to support U.S. business in the autonomous regions.

Funds authorized by this new chapter of the Foreign Assistance Act should be used to the maximum extent practicable in such a way as to promote the growth of private sector infrastructure and enterprise in the independent states of the former Soviet Union. Funds used to purchase goods or services for or by the independent states' governmental bodies, either centrally or at the local level, should also, to the extent practicable, be directed through non-governmental commercial structures and, where possible, through commercial structures with American participation.

The committee of conference notes that the United States is in a unique and strong position to provide assistance designed to promote democracy and free market economic systems. The private sector can be supported through a variety of activities, including through technical assistance to support: legal frameworks (such as codes dealing with commerce, private property, banking, tax, foreign investment, and protection of intellectual property); necessary policy frameworks (such as laws dealing with privatization, agriculture, environmental and health protection, and energy); reform of banking and financial systems; reform, including privatization and efficiency, in agriculture; investment in, increased efficiency of, and privatization of the energy sector; the activities of nongovernmental entities which provide intermediary support for private enterprise; and, training in business and financial practices, public administration, commercial law, and the rules of international trade. The committee of conference emphasizes its intent that technical assistance programs to reform and restructure the banking and financial systems be administered by the Department of the Treasury.

With respect to assistance for food distribution and production, the acquisition of temporary storage and distribution facilities, as well as the improvement and expansion of permanent facilities, can assist U.S. exporters of grain and cereals to secure key markets in the independent states of the former Soviet Union. Since the development of permanent infrastructure will take many years and involve significant cost, portable storage facilities can be provided until such time as these states improve and rationalize their permanent storage capabilities. In addition, the committee of conference recognizes the need to expand efforts to export farm machinery and farm animals and urges the Department of Agriculture to increase its efforts in this regard.

With respect to improving the health maintenance system in the independent states, the committee of conference notes that a conference for high level officials of the U.S. Government, key private sector organizations, and their counterparts in the Russian Federation to examine the key health sector problems and priorities in Russia today is an example of the kind of activity that can promote effective health reform in the independent states.

With respect to educational reform, the committee of conference believes that emphasis should be placed on promoting curriculum reform at all school levels, particularly in the fields of history and social sciences, including political studies and economics. Some U.S. educational institutions have already established programs, including business and management education programs in the region. These institutions are to be commended for their initiatives and should be considered for funding where their activities are consistent with the priorities of U.S. assistance strategies for the independent states. Junior Achievement International is an example of a program that has successfully provided books and material for educational programs. In addition, the committee of conference encourages continued support for American Schools and Hospitals Abroad, such as the American University of Armenia, that have been or may be established in the independent states of the former Soviet Union. The committee of conference urges that in pursuing the purposes of this act, executive branch agencies, to the maximum extent possible, utilize the resources and expertise of existing U.S. educational facilities in Europe.

The committee of conference agrees that educational television can be a highly effective and highly cost-effective means of instruction both in basic skills and in the human values associated with a democratic society. Recognizing that certain organizations in the United States, such as the Children's Television Workshop, are internationally recognized as uniquely creative and proficient in the production of televised educational programming and have a record of achievement in assisting other countries in developing similar programming of their own, the committee of conference encourages the President to allocate assistance to the independent states of the former Soviet Union in the development of such programming as a means of promoting and sustaining the transformation to democracy. Such assistance can be used to support any appropriate non-profit corporation of the United States in assisting the independent states of the former Soviet Union in developing the skills necessary to produce adult and children's educational programs aimed at promoting basic skills and the human values associated with a democratic society. To the extent possible, such assistance should support the development of programming and programming skills rather than to support broadcasting and should not be used to pay for real estate, equipment, and personnel costs that could appropriately be born by the recipient country in its own currency.

Assisting the independent states in energy efficiency and production holds considerable opportunity for both U.S. assistance programs and for the U.S. private sector. U.S. advanced coal-based technologies are among the available options for improving efficiency and reducing damage to the environment. In determining which developmentally-sound advanced coal-based technology capital projects to support, with loans or grants, the Administrator of the Agency for International Development, working with the Secretary of Energy and other appropriate government agencies (particularly the Overseas Private Investment Corporation and the Export-Import Bank of the United States), shall give special consideration to those capital project proposals which, proposed by U.S. firms and consisting of equipment manufactured by U.S. firms, would achieve the greatest increase in the control of emissions and/or the efficient production of energy and to those project proposals in which a portion of the costs of the project, either by cost-sharing or joint venture, will be paid for by non-federal funds, including private funds.

The authority to assist in promoting civilian nuclear reactor safety was included because the committee of conference believes that the need for safety upgrades of nuclear power plants in the independent states is a very high priority. More than 50 nuclear power plants are in operation or under construction in the independent states. These reactors have design, construction quality, operator training, and safety standards far below those found in the United States. The threat posed by these reactors affects not only the citizens of the independent states, but people all over the world.

The committee of conference recommends that a program of realistic short-term assistance to the independent states be established to upgrade immediately the safety of nuclear power reactors. The committee of conference agrees that rising safety standards at the plants to Western standards will be far too expensive to be realistic. However, a short-term program could significantly enhance nuclear power plant safety in the independent states, and achieve other important policy objectives of: enhancing nuclear nonproliferation efforts by active American involvement in the civilian nuclear program; and creating jobs for indigenous nuclear technicians that will both stem emigration of these specialists and train them to handle safety issues on their own. The committee of conference encourages the development of recommendations in consultation with the affected States, for medium-term measures to assist in the development of comprehensive and market-based programs for cost-efficient supplies of electricity and the identification of energy alternatives that will increase the ability to shut down the nuclear power plants for which safety improvements would not be cost-effective beyond the short-term.

The committee of conference believes that the following environmental objectives should be given priority in the independent states of the former Soviet Union: to control the discharge of pollutants damaging to the Earth's environment; to map, monitor, and contain environmental threats to the United States or the Arctic/subarctic ecosystem; to clean up rivers, lakes, and Arctic waters; to protect endangered species, to promote nuclear reactor safety; to control the emissions of air pollutants that may present a risk to public health and the environment; to protect and restore all waters; to restore areas contaminated by hazardous waste substances; to conserve biological diversity; to prevent environmental threats to the United States or the Arctic/subarctic ecosystem; and to preserve relatively undamaged rivers, lakes, forests, and other areas of special environmental significance.

Assistance to the independent states should include the expertise of U.S. professional firms, such as accountants, law firms, investment and commercial banks, management consultants, and others. These service firms can help enterprises with the infra-

structure necessary to attract investment capital to the independent states. Because professional service firms will play a vital role in the creation of private enterprise and free market systems in the independent states, the committee of conference encourages the executive branch to engage such firms in implementing assistance programs, and to provide funds for this purpose in a timely and expedited manner.

The committee of conference recognizes that the transition by the independent states of the former Soviet Union to pluralistic democracies and marketplace economies and their integration into the global economy will be severely hampered without significant modernization and upgrade of their telecommunications infrastructures. The committee of conference is aware of the recent high level meeting in Moscow of the Ministers of Telecommunications of the Independent States of the former Soviet Union and the Blue Ribbon Panel of the Department of State, Advisory Committee on International Communications and Information Policy, where telecommunications technical assistance needs were discussed. Subsequently, the Blue Ribbon Panel has recommended to the Department of State that the sum of $8.5 million is needed for various areas of individual and joint telecommunications technical assistance. The committee of conference supports this recommendation and urges that the technical assistance programs recommended by the Blue Ribbon Panel be funded.

The committee of conference notes that assistance under this section may be in the form of contributions to the Intergovernmental Organization for Migration, the United Nations High Commissioner for Refugees, or other appropriate international or private voluntary organizations specializing in migration and refugee activities.

While the committee of conference does not provide specific authorization in this section for the use of economic assistance funds for defense conversion activities, the committee of conference does not preclude the use of funds for such activities. The committee of conference notes that, where such activities have a clear defense benefit for the United States, they are specifically authorized in title V of the conference substitute. Otherwise, the committee of conference supports use of economic assistance funds for activities, as authorized by new sections 498(3) and 498(4) of the Foreign Assistance Act, to include a broad range of activities such as modification or commercialization of factories, training, etc., regardless of whether the focus is on upgrading a civilian enterprise or the conversion of a defense enterprise to a competitive commercial entity.

CRITERIA FOR ASSISTANCE

The Senate bill (sec. 105) sets forth four criteria for the President to take into consideration in providing assistance to governments of the independent states: (1) institutionalization of the rule of law to protect individual freedoms and rights; (2) enactment of the legal and policy frameworks necessary for a private sector economy; (3) respect for international law; and (4) implementation of responsible security policies. The Senate bill also sets forth eleven conditions under which assistance to a country must be terminated, unless the President waives the restriction. In addition, the Senate bill contains several separate provisions regarding criteria for assistance:

Section 125 contains congressional findings regarding the conflict in Moldova and expresses the sense of the Congress that the United States should urge the Russian Government to withdraw its troops from Moldova, urge all parties to abide by a cease-fire, urge an end to the economic blockade of Moldova, and support the establishment of a joint military monitoring committee to observe the withdrawal of former Soviet troops.

Section 128 prohibits the use of bilateral assistance funds authorized for the independent states of the former Soviet Union to pay indebtedness to international financial institutions.

Section 129 prohibits bilateral economic assistance for the Russian Republic unless the President determines and certifies to Congress that: (1) significant progress has been made toward removal of Commonwealth or Russian troops from Estonia, Latvia, and Lithuania; (2) artillery exercises or similar training operations by Commonwealth or Russian troops are no longer taking place in those countries; (3) Commonwealth or Russian air and naval forces are not interfering with traffic in the airspace or territorial waters of those countries; and (4) no additional Commonwealth or Russian troops or military equipment have been introduced into those countries without the express permission of those countries. This prohibition would take affect 12 months after the date of enactment. The Senate bill also requires the formation of a joint military monitoring committee, specifies that any Presidential certification shall be effective for only six months, and requires the President to report on the basis for any determination made under this section.

Section 152 expresses the sense of Congress regarding immediate good faith negotiations for the removal of troops from the Baltic republics.

The House amendment (sec. 103) sets forth five criteria for the allocation of assistance to governments of the independent states similar to those in the Senate bill, but contains no conditions under which assistance must be terminated.

The conference substitute (sec. 201) combines the Senate and House provisions in a new section 498A of the Foreign Assistance Act. The conference substitute requires the President to take into account not only relative need but also the extent to which the government of an independent state is acting on eleven different criteria:

(1) Progress on implementation of a democratic system;

(2) Progress on economic reform;

(3) Respect for internationally recognized human rights;

(4) Respect for international law and obligations and adherence to the Helsinki Final Act of the CSCE and the Charter of Paris;

(5) Cooperation in seeking peaceful resolution of ethnic and regional conflicts;

(6) Implementation of responsible security policies;

(7) Constructive actions on the environment;

(8) Denial of support for acts of international terrorism;

(9) Acceptance of responsibility for paying an equitable portion of indebtedness to U.S. firms;

(10) Cooperation in uncovering evidence regarding American POWs; and

(11) Termination of support for, and removal of troops from, Cuba.

The provision also specifies five separate conditions under which the President must terminate assistance:

(1) For any government the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

(2) For any government the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations;

(3) For any government the President determines has knowingly transferred (a) missiles or missile technology inconsistent with the Missile Technology Control Regime, or (b) any material, equipment, or technology that would contribute significantly to the ability of a country to manufacture any weapon of mass destruction;

(4) For any government that is prohibited from receiving assistance by sections 669 or 670 of the Foreign Assistance Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991;

(5) For the Government of Russia if it has failed to make significant progress on the removal of Russian or CIS troops from Estonia, Latvia, and Lithuania, or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

All restrictions, except for subsection (4) regarding nuclear technology and capabilities, and similar provisions of law, may be waived if: (1) the President determines that providing the assistance is important to the U.S. national interest; (2) the President determines that the assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance; or (3) the assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster. The President must immediately report to the Congress on the exercise of the waiver authority. The "similar" provisions of law which may be waived are those which are of a similar substantive nature, i.e. they deal with the same subject matter, but not restrictions which might require a suspension of assistance for reasons other than the five enumerated in this section.

With regard to the criteria requiring cooperation in seeking peaceful resolution of ethnic and regional conflicts, the committee of conference particularly notes that the presence of Russian 14th Army troops in Moldova has aggravated and exacerbated the conflict in the Transdneister region and serves as a potentially dangerous precedent for other areas in the former Soviet Union. The committee of conference urges the Government of Russia to declare its forces neutral in Moldova and to withdraw its troops as quickly as possible.

The committee of conference notes that a major objective of subsection (b)(5) is to ensure that the sovereignty of the Baltic states is respected. For example, the following activities may be considered threats to the sovereignty of Estonia, Latvia, and Lithuania: artillery or similar training operations conducted by Russian or CIS armed forces on the territory of the Baltic states, without the permission of those states; Russian or CIS interference in the air space or territorial waters of Estonia, Latvia, or Lithuania; the introduction of additional CIS or Russian armed forces, military equipment, or related civilian personnel, without the permission of the host government; or the imposition of an economic blockade on the Baltic states, including the interruption of energy supplies.

With regard to adherence to arms control treaties, the committee of conference in-

tends that those treaties include: the Conventional Forces in Europe (CFE) Treaty; the Intermediate Nuclear Forces (INF) Treaty; the Non-Proliferation Treaty (NPT); the Anti-Ballistic Missile (ABM) Treaty; the Threshold Test Ban Treaty (TTBT); Peaceful Nuclear Explosions Treaty (PNT); and the Strategic Arms Reduction Talks Treaty (START).

ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS

The House amendment (sec. 201) creates a new section 498(c) of the Foreign Assistance Act that clarifies that the criteria and restrictions on assistance apply to assistance to governments, not to assistance to nongovernmental organizations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(a) stating that assistance under this chapter may be provided to governments or through non-governmental organizations. In the promotion of the active involvement of the U.S. private sector, every effort should be made to take advantage of ongoing efforts by U.S. citizens, organizations, and foundations to pursue the objectives of this Act, as evidenced by the establishment by such entities of programs in one or more of the independent states that involve local reformers in the process of establishing democratic and free market systems.

TECHNICAL AND MANAGERIAL ASSISTANCE

The House amendment (sec. 201) creates a new section 498(d) of the Foreign Assistance Act which provides that technical assistance shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by U.S. business volunteers.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(b) which is similar to the House amendment. The committee of conference notes that one particularly effective method for helping train former Soviet business managers in free market economy practices is to send volunteer American business managers to ex-Soviet enterprises to provide on-site problem solving and advice tailored to an enterprise's individual need. The committee of conference believes that such a program would also benefit the U.S. economy by exposing Americans actively involved in business to both the potential and the pitfalls of doing business in the former Soviet Union. The committee of conference further believes that because such a program would establish networks of business connections between managers from the United States and the independent states of the former Soviet Union, additional American jobs could be created through increased American exports and new joint ventures would likely be established as a result of these new business contacts.

ENTERPRISE FUNDS

The House amendment (sec. 201) creates a new section 498(b)(3) of the Foreign Assistance Act which authorizes assistance for the independent states to be used to finance enterprise funds similar to those authorize by section 201 of the Support for East European Democracy (SEED) Act of 1989.

The Senate bill (sec. 107(a)(2)(F)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(c) of the Foreign Assistance Act which is the same as the House amendment.

COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS

The House amendment (sec. 201) creates a new section 498(e) of the Foreign Assistance Act which authorizes assistance to be used for cooperative development and research projects among the United States, other countries, and the independent states.

The Senate bill (sec. 107(a)(11)) contains a similar provision which specifically references such projects with Israel.

The conference substitute (sec. 201) creates a new section 498B(d) of the Foreign Assistance Act which is the same as the House amendment. The committee of conference notes that such cooperative projects are already being considered with both Israel and Turkey and expresses its support for these undertakings.

ADMINISTRATION OF JUSTICE PROGRAMS

The Senate bill (sec. 107(a)(1)) authorizes assistance to be used for administration of justice programs.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(e) of the Foreign Assistance Act which is similar to the Senate bill except that such programs are subject to the limitations and requirements of section 534 of the Foreign Assistance Act.

The committee of conference believes that administration of justice programs play a crucial role in fostering democratic institutions. It is the intent of this section to authorize existing government agencies, such as the International Criminal Investigative Training and Assistance Program (ICITAP), to take primary responsibility in carrying out such programs.

USE OF ECONOMIC SUPPORT FUNDS

The House amendment (sec. 201) creates a new section 498(f)(3) of the Foreign Assistance Act which provides that funds from chapter 4 of part II of the Foreign Assistance Act (economic support funds) may be used for the independent states in accordance with the authorities of this section.

The Senate bill (sec. 115(d)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(f) of the Foreign Assistance Act which is similar to the House amendment, except the reference is to the "provisions" rather than the "authorities" of this section in order to specify that it is both the authorities and criteria of this section that apply to any ESF used under this section.

USE OF SEED AGENCY FUNDS

The Senate bill (sec. 104) authorizes U.S. Government agencies with authorities under the SEED Act to use international affairs funds to conduct activities authorized by this Act in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(g) of the Foreign Assistance Act which is similar to the Senate bill.

PROCUREMENT RESTRICTIONS

The Senate bill (sec. 134(d)) provides that assistance under this act may be used for procurement: (1) in the United States, the independent states, or a developing country; or (2) in any other country either if the required commodity or service is not produced or available in any of those countries, or if the President determines that procurement in such other country is necessary to meet unforeseen circumstances or for reasons of efficiency. The Senate bill (sec. 148) also rewrites the worldwide procurement rules found in section 604 of the Foreign Assistance Act.

The House amendment (sec. 201) creates a new section 498(f)(4) of the Foreign Assistance Act which provides that assistance programs shall be designed to maximize the use of U.S. goods and services.

The conference substitute (sec. 201) creates a new section 498B(h) of the Foreign Assistance Act which is similar to section 134(d) of the Senate bill. Because this bill is restricted to assistance to the independent states, the committee of conference could not adopt these changes worldwide, as it did in the conference report on H.R. 2508 in 1991. However, it is the intent of the committee of conference to do so in the next global foreign assistance bill.

TERMS AND CONDITIONS

The House amendment (sec. 201) creates a new section 498(f)(1) of the Foreign Assistance Act which authorizes the President to provide assistance on terms and conditions he determines to be consistent with applicable provisions of law.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(i) of the Foreign Assistance Act which is the same as the House amendment.

WAIVER OF CERTAIN PROVISIONS

The House amendment (sec. 201) creates a new section 498(f)(2) of the Foreign Assistance Act which provides that funds appropriated by this section for fiscal year 1993 may be used to provide assistance notwithstanding any other provision of law, except the reprogramming notification requirements of section 634A of the Foreign Assistance Act.

The Senate bill (sec. 115(c)) provides a broader notwithstanding for any assistance provided and authorities exercised for the objectives of this title, with the exception of several explicit exemptions.

The conference substitute (sec. 201) creates a new section 498B(j) of the Foreign Assistance Act which is similar to the House amendment, with the addition of several exceptions from the Senate bill. The exceptions to the notwithstanding are: this chapter; sections 634A, and comparable notification requirements in foreign operations appropriations bills, 669 and 670 of the Foreign Assistance Act; sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961; section 1341 of title 31, U.S. Code (the Anti-Deficiency Act); the Congressional Budget and Impoundment Control Act of 1974; the Balanced Budget and Emergency Deficit Control Act of 1985; and the Budget Enforcement Act of 1990.

DEFINITIONS

The House amendment (sec. 201) creates a new section 498(h) of the Foreign Assistance Act which contains definitions of appropriate congressional committees (the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate), and independent states.

The Senate bill (sec. 106) contains a definition of independent states.

The conference substitute (sec. 201) is essentially the same as the House amendment.

AUTHORIZATIONS

The Senate bill (sec. 106) authorizes the appropriation of $620 million for fiscal years

1992 and 1993, in addition to amounts otherwise available, for assistance to the independent states of the former Soviet Union. Such funds are authorized to remain available until expended. The Senate bill (sec. 115) also authorizes such sums as may be necessary for administrative expenses of U.S. Government agencies administering programs under this title.

The House amendment (sec. 201) authorizes the appropriation of $417 million for fiscal year 1993, in addition to amounts otherwise available, for economic assistance to the independent states of the former Soviet Union. It also provides that up to 2% of such funds may be used for administrative costs without a reprogramming notice, including for reimbursement of Department of State incremental costs associated with assistance programs, but that use of such funds above that level requires a reprogramming notice under section 634A.

The conference substitute (sec. 201) creates a new section 498C of the Foreign Assistance Act which is similar to the House amendment except that the authorization level is $410 million. This authorization was arrived at by subtracting the $50 million authorized for exchange, training, and similar programs in section 807 of the conference substitute from the executive branch request of $460 million for fiscal year 1993.

INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF U.S. NATIONALS

The Senate bill (sec. 141) prohibits assistance to any institution in an independent state if there is an outstanding final judgement by a court within that state that the entity is unlawfully withholding property of a U.S. person.

The House amendment contains no comparable provision.

The conference substitute (sec. 202) is similar to the Senate bill, with the exception that it is narrowed to deal only with property that is books or other documents of religious or historical significance.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

AMERICAN BUSINESS CENTERS

The Senate bill (sec. 112) authorizes $12 million for the Department of Commerce to fund American business centers in the independent states to provide support and facilities for U.S. firms and state economic development offices. The Senate bill (title IV) also authorizes $12 million for the funding of agribusiness centers in the independent states to facilitate U.S. private investment, exchange programs, and other forms of U.S. cooperation in order to assist in the development of agribusiness in the independent states. It also authorizes $10 million for the funding of agribusiness exchange centers at U.S. state universities and land grant colleges in order to expand two-way exchange programs among agribusiness practitioners. Finally, the Senate bill (title V) authorizes funding for American centers to promote commercial, professional, civic, and other partnerships between the peoples of the United States and of the independent states.

The House amendment (sec. 201) contains a related provision.

The conference substitute (sec. 301) is a compilation of the Senate provisions into an authorization of up to $12 million for American Business Centers in order to advance the objectives of title II of the conference substitute and to promote U.S. economic interests and commercial partnerships between the peoples of the United States and the independent states. The term "American Business Centers" includes (1) environmental business centers in the independent states that offer promising market possibilities for U.S. environmental goods and services and (2) agribusiness centers that enhance cooperative activities in agribusiness. To the extent possible, such centers shall place special emphasis on assisting small- and medium-sized U.S. businesses, offer support services to U.S. commercial interests on a user-fee basis, serve as a repository of commercial and legal information, and help identify counterpart entities. To ensure the timely establishment of these centers, the Administrator of AID shall, within 90 days of enactment, enter into a reimbursement agreement with the Secretary of Commerce for operating the American Business Centers.

With respect to agribusiness centers, it is the intent of the committee of conference that these centers, to the extent possible, develop: training and education programs; initiatives to determine appropriate techniques to enhance agricultural production; strategies for the application of biotechnology to support food security and sustainable agricultural practices; and internships.

BUSINESS AND AGRICULTURE ADVISORY COUNCIL

The Senate bill (sec. 136(b)) authorizes the President to establish an advisory council, to be known as the Independent States Business and Agriculture Advisory Council, to advise and consult with the President and to evaluate U.S. assistance programs that would facilitate U.S. exports and investments.

The House amendment contains no comparable provision.

The conference substitute (sec. 302) is similar to the Senate bill. The committee of conference believes that U.S. jobs and competitiveness will be enhanced significantly if American business and agriculture play a significant role in the development of market economies in the independent states of the former Soviet Union.

FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS

The Senate bill (secs. 136(c)-(e)) encourages the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects, and recommends that various U.S. government agencies expand their activities in support of U.S. firms in the independent states. The Senate bill (sec. 132) also urges an increase in the presence of U.S. foreign commercial officers in the Far Eastern cities of Vladivostok and Khabarovsk.

The House bill contains no comparable provision.

The conference substitute (sec. 303) combines the Senate provisions to: (1) encourage the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects; and (2) encourage the Secretary of Commerce to increase the department's activities in support of U.S. firms in the independent states, including an increased U.S. foreign commercial service presence in Vladivostok and Khabarovsk.

INTERAGENCY WORKING GROUP ON ENERGY

The Senate bill (sec. 136(f)) states that the Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist U.S. energy companies to develop a long-term strategy for penetrating the energy market of the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 304) is essentially the same as the Senate bill.

REPORTS TO CONGRESS

The Senate bill (sec. 136(e)(D)) requires an annual report by the Secretary of Commerce on the programs of other industrialized countries to assist their firms and on the trading practices of other OECD nations and the pricing practices of the independent states that may disadvantage U.S. firms.

The House amendment contains no comparable provision.

The conference substitute (sec. 305) is similar to the Senate bill with the addition to the report of a description of the implementation of the preceding sections of this title.

POLICY ON COMBATTING TIED AID PRACTICES

The Senate bill (sec. 134(b)(1)(A)) states that the President should give priority to combatting the tied aid practices of foreign countries in the independent states if such practices are deemed by the Secretary of the Treasury to be in violation of the 1991 OECD agreement on tied aid.

The House amendment contains no comparable provision.

The conference substitute (sec. 306) is similar to the Senate bill.

TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST

The Senate bill (sec. 133) authorizes such sums as may be necessary for a technical assistance center at an American university, in a region which receives nonstop air service to and from the Russian Far East, in order to facilitate U.S. business opportunities, free markets, and democratic institutions in the Russian Far East.

The House bill contains no comparable provision.

The conference substitute (sec. 307) is similar to the Senate bill but limits the authorization of funds for this purpose to $2 million.

FUNDING FOR OPIC AND EXIMBANK PROGRAMS

The Senate bill (sec. 115(e)) authorizes bilateral economic assistance in this Act to be used to fund OPIC and Ex-Im activities in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 308) authorizes bilateral economic assistance in this act to be used to fund OPIC activities in the independent states, but provides that this authority ceases to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—DEMOCRACY CORPS

The House bill (sec. 202) authorizes up to $15 million for a grant by the Administrator of the Agency for International Development to the Democracy Corps, a private, nonprofit organization whose purpose is to maintain a presence in the independent states in order to provide on-the-ground support for institutions of democratic governance and nongovernmental organizations of a civil society. The Democracy Corps is to mobilize the expertise of the American people to provide practical assistance through on-the-ground person-to-person advice, technical assistance, and small grants (up to $5,000 per recipient) to indigenous individuals and entities. The Democracy Corps is to coordinate its activities with the Department of State Coordinator for the independent states and ensure that its activities are not duplicative of other similar activities. The Democracy Corps is to be governed by a Board of Directors composed of four specified government officials, representatives of the National Endowment for Democracy and its four core grantees, and eight private U.S. citizens who

have experience and expertise appropriate to the functions of the Democracy Corps. The provision also provides for conflict of interest rules, periodic audits, congressional oversight, compliance with the Freedom of Information Act, and an annual report. The authority to make grants to the Democracy Corps terminates at the end of the fifth fiscal year.

The Senate amendment contains no comparable provision.

The conference substitute (title IV) is similar to the House amendment, with the exception that the conference substitute authorizes rather than mandates the establishment of and grants to the Democracy Corps, reduces the specificity of certain provisions, and provides that the Board of Directors will be composed of not more than ten private U.S. citizens, appointed by the President, who, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps. The committee of conference views the National Endowment for Democracy and its core grantees examples of such organizations.

TITLE V—NONPROLIFERATION AND DISARMAMENT ACTIVITIES

FINDINGS

The Senate bill (sec. 110(a)(1)) establishes a number of findings concluding that nonproliferation and disarmament activities are in the national security interests of the United States.

The House amendment (sec. 503(a)) contains similar findings.

The conference substitute (sec. 501) is similar to the Senate bill with minor modifications.

ELIGIBILITY

The Senate bill (sec. 110(a)(2)) establishes conditions of eligibility, in addition to those contained in section 105(b) of the Senate bill for overall assistance, with regard to carrying out efforts aimed at the demilitarization of the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 502) is similar to the Senate bill with the exception that it deletes the reference to the eligibility criteria established in title II of the conference substitute for bilateral economic assistance.

NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES

The Senate bill (sec. 110(a)(3)) authorizes the President to establish programs consistent with the national security interests findings stipulated in section 110(a)(1) of the Senate bill. Specifically, these programs are aimed at: (1) the transportation, storage, safeguarding, and destruction of nuclear, chemical, and other weapons of the former Soviet Union, as described in section 212(b) of Public Law 102-228; (2) establishing verifiable safeguards against the proliferation of such weapons; (3) preventing the diversion of weapons-related scientific expertise of the former Soviet Union; (4) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (5) establishing science and technology centers in the independent states of the former Soviet Union.

The House amendment (secs. 501 and 503(b)) authorizes the President to use certain security assistance and Department of Defense funds to promote bilateral and multilateral nonproliferation activities by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; and by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, safeguarding, and destruction of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons. The House amendment also subsumes those programs included in the Senate bill which are identified as items 2 through 5 in the previous paragraph.

The conference substitute (sec. 503) is similar to the House amendment and specifies that priority in using Department of Defense funds for carrying out nonproliferation and disarmament activities in the former Soviet Union be given to sections 503(a)(1) through 503(a)(5) of the conference substitute. The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union.

The committee of conference notes that, with respect to the authority to purchase, barter, or otherwise acquire nuclear, biological, and chemical weapons, the U.S. private sector has the technical and financial resources to assume responsibilities in this area. The August announcement by the President of the agreement between the United States and Russia for the purchase of highly enriched uranium (HEU) from the Russian stockpile was a significant step towards the type of "swords into plowshares" initiative being encouraged by the committee of conference. The U.S. private sector has the capacity to reprocess quickly the HEU to low enriched uranium (LEU) which can subsequently be converted to reactor grade and marketed to commercial nuclear power plants, in accordance with the terms and conditions of the Nuclear Non-Proliferation Treaty of 1978.

NONPROLIFERATION AND DISARMAMENT FUND

The House amendment (sec. 501) establishes a worldwide nonproliferation and disarmament fund and authorizes the President to use security assistance funds to promote bilateral and multilateral nonproliferation activities on a worldwide basis: (1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; (2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, and safeguarding of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons; (3) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (4) establishing science and technology centers in the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 504) is similar to the House amendment and specifies that priority in using security assistance funds for carrying out nonproliferation and disarmament activities worldwide be given to sections 504(a)(1) through 504(a)(5) of the conference substitute.

The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union. The committee of conference establishes this new security assistance account in recognition of the urgent need to address the nonproliferation and disarmament challenges that confront the United States in the post-Cold War era. The committee of conference recognizes that this challenge is not confined to the independent states of the former Soviet Union alone. The committee of conference firmly believes the establishment of the worldwide nonproliferation and disarmament fund to be in the best national security interests of the United States and urges the executive branch to employ use of this fund to the fullest extent in the years ahead in support of bilateral and multilateral nonproliferation and disarmament efforts. The committee of conference further encourages the executive branch to seek expansion of these authorities in the years ahead. Finally, the committee of conference fully expects the executive branch to formally establish and authorize a nonproliferation and disarmament fund in its fiscal year 1994 budget submission and Congressional Presentation Documents for Security Assistance.

LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES

The Senate bill (sec. 137) stipulates that no funds may be obligated, expended or otherwise made available for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union unless the President has previously obligated an amount equal to or greater than such sums in the same fiscal year for defense conversion and defense transition activities in the United States.

The House amendment contains no comparable provision.

The conference substitute (sec. 505) is similar to the Senate bill and specifies that funds may not be obligated in any fiscal year for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities as authorized by sections 503(a)(6) and 504(a)(6) of the conference substitute, or other provisions of law, unless the President has previously obligated in the same fiscal year an amount greater or equal to that amount of funds for defense conversion and defense transition activities in the United States.

FUNDING AUTHORIZATION

The Senate bill (sec. 110(a)(4)) authorizes the President to make available such sums as may be necessary to carry out the purposes of section 110 from: funds made available under sections 108 and 109 of Public Law 102-228; funds made available to carry out provisions of section 23 of the Arms Export Control Act; and funds made available to carry out section 110(a)(3) of the Senate bill.

The House amendment (secs. 501(f), 502(b) and 503(b)) includes funding citations relevant to nonproliferation and disarmament activities, as well as for the destruction of weapons in the former Soviet Union.

The conference substitute (secs. 503(c)(1), 503(c)(2), 504(c)(1), 504(c)(2), 504(c)(3), 506(a) and 509(d)) includes funding citations rel-

evant to nonproliferation and disarmament activities worldwide, as well as for the destruction of weapons in the former Soviet Union. Section 506(a) increases the authorization for the destruction of weapons in the former Soviet Union as contained in Public Law 102-228 and extends the availability of fiscal year 1992 funds through fiscal year 1993. The conference substitute establishes funding made available pursuant to these sections at the following levels: destruction of weapons and other nonproliferation activities in the former Soviet Union, $800 million; Nonproliferation and Disarmament Fund activities in the former Soviet Union and other countries, $100 million; and Nonproliferation Technology Initiative, $40 million.

The funding authorization for the destruction of weapons in the former Soviet Union is increased from $650 million to $800 million to conform to conference action on the National Defense Authorization Act for fiscal year 1993. The importance of each of these nonproliferation and disarmament activities funded by this title cannot be discounted and is underscored by the coordination of its authorization from both the international affairs and national defense budget functions. The committee of conference notes its strong support for these nonproliferation and disarmament activities and notes the unique approach to these authorizations that was achieved through close cooperation among the Committees on Foreign Affairs, Armed Services and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services and Appropriations of the Senate. The committee of conference notes that such cooperative efforts will continue in the future, and expects that there will be similar cooperative efforts among the appropriate agencies of the executive branch.

NOTICE AND REPORTS TO CONGRESS

The Senate bill (secs. 110(a)(5)-(7)) requires: prior notification (fifteen days) of the appropriate congressional committees made available pursuant to programs implemented under section 110(a)(3) of the Senate bill (sec. 110(a)(5)); and, quarterly reports not later than thirty days after the end of each fiscal year for fiscal years 1992 and 1993 on the activities carried out under section 110(a)(3) of the Senate bill. Section 110(a)(7) defines the term "appropriate congressional committees."

The House amendment (secs. 501(e) and 502(d)) is similar to the Senate bill, but contains a different definition of "appropriate congressional committees".

The conference substitute (sec. 508) establishes various reporting requirements to Congress. Section 508(a) requires prior notification not less than fifteen days before obligating any funds pursuant to sections 503 or 504 or the amendments made by section 506(a). Section 508(a) further specifies that each such report shall specify the account, budget activity, and particular program or programs from which the funds are provided; the amount of the proposed obligations; and the activities and forms of assistance for which the President plans to obligate such funds. Section 508(b) requires the President to submit a semiannual report to Congress on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Section 508(c) defines the term "appropriate congressional committees".

The committee of conference notes that the adoption of section 508 sets forth the procedures for providing reports and advanced notifications to the Congress regarding programs in this title. Because of the unique funding of this program, the House Foreign Affairs Committee, the House Armed Services Committee, the Senate Foreign Relations Committee and the Senate Armed Services Committee agreed to language designed to clarify responsibilities of certain Committees of the Congress.

As is the usual practice, all reports and notifications will be provided to the respective appropriations committees. With respect to the authorizing committees, the bill requires the following: (1) Regarding semiannual reports, all such reports shall be provided to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate and to the Committees on Armed Services of the House of Representatives and the Senate; (2) Regarding 15 day advance notifications for programs funded from appropriations made under the international affairs budget function (150), the notice of proposed obligation shall be sent to the Committee on Foreign Affairs of the House of Representatives and the Committee of Foreign Relations of the Senate; (3) Regarding 15 day advance notifications for programs funded from appropriations made under the national defense budget function (050), the notice of proposed obligation shall be sent to the Committees on Armed Services of the House of Representatives and the Senate; and (4) Regarding all 15 day advance notifications, if a committee of either the House of Representatives or the Senate would not receive the advance notification pursuant to paragraph (2) or (3), the notice of proposed obligation shall also be sent to such committee if the proposed activity or form of assistance is within that committee's legislative jurisdiction.

Specific examples are instructive. On May 16, 1992, the Comptroller of the Department of Defense notified the Congress regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102-228 (commonly referred to as the Nunn-Lugar program) for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The proposed obligation included a number of programs for weapons destruction in the former Soviet Union. As one component of the proposed obligation, the Department of Defense proposed $25 million for an International Science and Technology Center in Russia. Had the proposal to establish such a center been introduced in the House of Representatives and Senate, respectively, as separate legislation, under House and Senate rules it would have been referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate. Accordingly, the May 16, 1992 notification was properly referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate and the Committees on Armed Services of the House of Representatives and the Senate. This action meets the legislative reporting and notification requirement of section 508 and should be viewed as a model for proper referral of reports and notifications.

In contrast, the committee of conference notes with concern that on August 28, 1992, the Comptroller of the Department of Defense provided a notification only to the Committees on Armed Services regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102-228 for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The committee of conference believes that this notification not only directly violates section 231 (Prior Notice of Obligations to Congress) of Public Law 102-228 but is also inconsistent with the intent of section 508. Advance notifications of proposed obligations from the executive branch shall be provided to the Speaker of the House of Representatives and the President of the Senate for their distribution to the proper committees in accordance with section 508 as mentioned above.

INTERNATIONAL NONPROLIFERATION INITIATIVE

The House amendment (section 502) authorizes the Secretary of Defense and the Secretary of Energy under the guidance of the President and in coordination with the Secretary of State to participate in United States efforts to stem the proliferation of nuclear weapons. In so doing, the House amendment stipulates that assistance may be provided to: relevant international organizations such as the International Atomic Energy Agency (IAEA) and the United Nations Special Commission on Iraq; collaborative international nuclear security and safety projects; and efforts to improve international cooperative monitoring of nuclear proliferation. Section 502(b) authorizes the expenditure of $40 million in national defense funding for these purposes. Section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not less than fifteen days before the obligation of funds pursuant to section 502(a). In addition, section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not later than thirty days after the end of each quarter of fiscal years 1993 and 1994 on the activities to be carried out pursuant to section 502(a). Section 502(e) identifies those committees of Congress which are to receive the reports submitted pursuant to section 502(d).

The Senate bill contains no comparable provision.

The conference substitute (sec. 509) authorizes the Secretary of Defense under the guidance of the President to provide assistance to support international nonproliferation activities. In so doing, the conference substitute stipulates that assistance may be provided to activities carried out by the International Atomic Energy Agency (IAEA); the On-Site Inspection Agency in support of the United Nations Special Commission of Iraq; collaborative international nuclear security and safety projects; and, efforts to improve international cooperation in monitoring nuclear proliferation through joint technical projects and intelligence sharing. The conference substitute also specifies that not less than thirty days before obligating any funds pursuant to section 509 the Secretary of Defense report to Congress on the proposed obligation. Each such report shall specify the account, budget activity and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds. The conference substitute also requires the Secretary of Defense to transmit to Congress a quarterly report not later than thirty days after the end of each quarter of fiscal year 1993 on the activities to reduce the proliferation threat carried out under section 509. Section 509(e)(2) also specifies the commit-

tees of Congress to which these reports are to be transmitted.

The committee of conference notes that the activities for which assistance may be provided under this section are merely illustrative. In this regard, and in addition to the activities already suggested, the committee of conference would support assistance under this section which would directly support the on-going activities of the United Nations Special Commission on Iraq.

REPORT ON SPECIAL NUCLEAR MATERIALS

The Senate bill (sec. 131) requires the Secretary of State in consultation with the Secretaries of Defense and Energy to submit a report within a period of 180 days of enactment of this legislation on the possible alternatives for the ultimate disposition of ex-Soviet special nuclear materials.

The House amendment contains no comparable provision.

The conference substitute (sec. 510) is similar to the Senate bill with minor modifications.

RESEARCH AND DEVELOPMENT FOUNDATION

The House amendment (sec. 504) authorizes the Director of the National Science Foundation to establish an endowed, nongovernmental, nonprofit foundation in consultation with the Director of the National Institute of Standards and Technology. Essentially, the purposes of the Foundation are to help prevent the collapse of the technological infrastructures in the independent states of the former Soviet Union, to maximize opportunities for Eurasian civilian and defense sector participants to develop an understanding of commercial business practices and open economic systems, and to provide access for United States businesses to sophisticated technologies, talented researchers, and potential markets within the new states. Foundation support should provide alternatives to emigration for engineers and scientists in the emerging states. The Foundation has two main functions: (1) to support joint research and development projects between scientists and engineers in the United States and former Soviet states; and (2) to establish joint research, development, and demonstration activities between high technology entrepreneurs in the new states and U.S. industrial participants. The Foundation should give equal emphasis to both functions. The Senate bill (sec. 135) is similar to the House amendment, but contains no specific funding provisions.

The conference substitute (sec. 511) is similar to the House amendment, but specifies that funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (or the appropriate citation in that bill, as the case may be) may be made available to the Foundation, and further specifies that, of funds made available to the Foundation by the U.S. Government after fiscal year 1993, not more than 50 percent may be from funds appropriated in the National defense budget function. The committee of conference expects that for purposes of this provision funds made available to the Foundation through debt conversions and local currencies will be counted as U.S. Government funds.

TITLE VI—SPACE TRADE AND COOPERATION

FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION

The House amendment (sec. 601) facilitates space trade and cooperation between the United States and the independent states of the former Soviet Union by requiring that licenses or other approvals to conduct discussion on the possible acquisition of former Soviet space hardware, space technology, or space services with an independent state of the former Soviet Union be considered on an expedited basis. In the event that such approval is denied by an agency, the agency shall immediately notify the Committees on Foreign Affairs and on Science, Space and Technology of the House of Representatives and the Committees on Foreign Relations and on Commerce, Science, and Transportation of the Senate.

The Senate bill contains no comparable provision.

The conference substitute (sec. 601) is similar to the House amendment, but deletes the findings, adds expedited review of license requests for commercial space projects, and broadens eligibility of contractors.

The committee of conference recognizes recent progress towards the aims of this section. The conference substitute is consistent with the President's March 27, 1992 policy directive, which stated, in part: "...where barriers exist to imports, either by private or governmental entities, the U.S. shall seek to remove those barriers or expeditiously review the transactions. Import licenses will be considered on a case-by-case basis with a presumption of approval unless such imports (or other activities by the exporting entity) would contribute to the maintenance of a threatening military capability".

The committee of conference notes that under most circumstances a determination on a request for license or other approval is currently made within thirty days from the time of request. By requiring expedited review in this section, the committee of conference expects that a determination and appropriate notification should be made well before the end of the current thirty day period. In instances where a license is denied, notice to the appropriate congressional committees specified in the conference substitute is required in order to understand the nature of the technology sought and the circumstances of the denial.

OFFICE OF SPACE COMMERCE

The House amendment (sec. 602) authorizes the Office of Space Commerce of the Department of Commerce to conduct aerospace trade missions to appropriate independent states of the former Soviet Union. The House amendment also requires the Office of Space Commerce to monitor the progress of discussions conducted by NASA and advise the NASA Administrator as to the impact on U.S. industry of each potential acquisition of space hardware, space technology or space services from the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 602) is similar to the House amendment but limits the monitoring of negotiations exclusively to space projects that have been approved by Congress.

The committee of conference notes that the ultimate success of space trade and cooperation between the United States and the independent states of the former Soviet Union should not be measured solely by NASA's direct procurement of space hardware, technology, and services from the independent states. The U.S. aerospace industry's ability to interact with and profit from such transactions will determine the long-term effectiveness of such cooperation and trade. Therefore, the Office of Space Commerce is the designated office both to familiarize the U.S. aerospace industry with hardware, technology, and services which may be available in the independent states, and to observe and advise on the proposed use of these assets by NASA.

REPORT TO CONGRESS

The House amendment (sec. 603) requires a report to designated congressional committees within a year of enactment that describes the following: (1) the opportunities for increased space-related trade with the independent states of the former Soviet Union; (2) a technology procurement plan to identify and evaluate unique space products available from the independent states; (3) specific products that have been or could become subjects of discussions provided for under section 601 of the House amendment; (4) the results of trade missions; (5) barriers that inhibit space-related trade between the independent states; and (6) any anti-competitive issues raised in the course of negotiations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 603) is identical to the House amendment.

The committee of conference notes that sections of the report concerning technology procurement and cooperation related to U.S. space projects approved by Congress should be written principally by NASA and issues affecting commercial space projects, trade missions, trade policy, trade barriers, and anti-competitive efforts should be principally written by the Office of Space Commerce, both with appropriate inter-agency review and coordination with the Department of State.

DEFINITIONS

The House amendment (sec. 604) provides definitions for the following terms for purposes of this title: contractor, designated congressional committees, space hardware, space technology, and space services.

The Senate bill contains no comparable provision.

The conference substitute (sec. 604) is similar to the House amendment, but deletes the definitions of space hardware, space technology, and space services.

TITLE VII—AGRICULTURAL TRADE

INCLUSION OF THE NEWLY INDEPENDENT STATES IN THE FOOD FOR PROGRESS ACT

The Senate bill (sec. 120(b)(1)) amends section 1110 of Public Law 99-198, the Food for Progress Act, to make specific reference to the independent states.

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add a new subsection which provides that the independent states of the former Soviet Union are considered to be emerging democracies for purposes of this section.

The conference substitute (sec. 701(1)(A)) amends the Food for Progress Act to make reference to the independent states as defined in section 102(8) of the Agricultural Trade Act of 1978.

PRIVATE ENTITIES

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add "private entities" to the list of organizations which may be utilized in the implementation of this Act.

The Senate bill (section 120(b)(1)) adds "private businesses or other private entities" to the list.

The conference substitute (sec. 701(1)(B)) is the same as the House amendment.

USE OF COMMODITIES ON A CREDIT BASIS

The Senate bill (sec. 120(b)(3)) amends the Food for Progress Act to exempt commod-

ities furnished to the independent States from tonnage requirements for fiscal years 1992 and 1993.

The House amendment (sec. 706(a)(2)) exempts from the tonnage requirement commodities furnished from Commodity Credit Corporation (CCC) stocks for the independent states for fiscal years 1992 and 1993.

The conference substitute (sec. 701(1)(D)) is the same as the Senate bill but applies only for fiscal year 1993.

CREDIT TERMS

The House amendment (sec. 706(a)(2)) amends the Food for Progress Act to authorize the sale on a credit basis of commodities to the independent states of the former Soviet Union made available under sec. 416 of the Agricultural Trade Act of 1949.

The Senate bill (sec. 120(b)(2)) authorizes the sale of sec. 416 commodities on a credit basis for any Food for Progress program.

The conference substitute (sec. 701(2)) is essentially the same as the House amendment.

EARMARK FOR MONETIZATION

The Senate bill (sec. 120(b)(4)) amends the Food for Progress Act to direct that not less than 10 percent of the aggregate of commodities provided in a fiscal year be used by private voluntary organizations (PVOs) and cooperatives for programs which generate foreign currency proceeds.

The House amendment contains no comparable provision.

The conference substitute (sec. 701(3)) adds a new provision to the Food for Progress Act which requires the President to approve appropriate agreements with PVOs and cooperatives which provide for monetization of commodities, including marketing through the private sector, and the use of the proceeds generated by such sales for humanitarian and development activities of PVOs and cooperatives in the independent states.

The committee of conference supports this amendment to the Food for Progress program to enable PVOs and cooperatives to become more directly involved in the development of private sector agriculture and agribusiness in the independent states of the former Soviet Union. The committee of conference encourages the executive branch to work actively with PVOs and cooperatives early in each fiscal year to identify appropriate projects. The local currencies generated under this program should not be used for market development purposes, as there are other programs, including the Cooperative Market Development Program and the Market Promotion Program, more suited to such purposes.

DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978

The House amendment (sec. 706(g)) amends section 102(1) of the Agricultural Trade Act of 1978 to include livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 and insects.)

The Senate bill (sec. 120(d)(2)) contains a similar provision.

The conference substitute (sec. 702) is similar to the House amendment but applies only with respect to the independent states of the former Soviet Union.

ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS

The Senate bill (sec. 120(d)) encourages the President to use funds available under the 1992 Dire Emergency Supplemental Appropriation and under this title to assist PVOs in carrying out food assistance programs in the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 703) is the same as the Senate bill.

DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The House amendment (sec. 706(f)) expresses the sense of Congress that the President should encourage the involvement of international organizations to monitor the transportation and distribution of food assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute (sec. 704) is essentially the same as the House amendment.

INTEGRATION OF EXPORT ASSISTANCE PROGRAMS

The House amendment (sec. 706(e)) provides that in order to allow maximum flexibility in meeting the food and financing needs of the independent states and in promoting U.S. agricultural exports to the independent states, the Secretary of Agriculture may carry out any trade assistance program in combination with any other such program.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference urges the Secretary of Agriculture to use available authorities to integrate export assistance programs most effectively to meet the food and financing needs of the independent states of the former Soviet Union.

AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES

The Senate bill (sec. 120(d)(3)) amends section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the independent states of the former Soviet Union may be eligible to participate in the Cochran fellowship program and to authorize the Secretary of Agriculture to provide fellowships under this program to private agricultural producers from eligible countries.

The House amendment contains no comparable provision.

The conference substitute (sec. 705) is essentially the same as the Senate bill. The committee of conference also notes that section 1542 of the Food, Agriculture, Conservation and Trade Act of 1990, as amended by Public Law 102-237, the E. (Kika) de la Garza Agricultural Fellowship Program, directs the Secretary of Agriculture to initiate and develop cooperation and the exchange of information between agricultural institutions in emerging democracies and agricultural institutions and agribusinesses in the United States. The committee of conference believes that such collaboration will make a long-term contribution to the establishment of a free market food production and distribution system in emerging democracies; the conferees urge the U.S. Department of Agriculture to implement this program in the former Soviet Union.

DIRECT CREDITS FOR PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize direct credits for the promotion of exports to emerging democracies.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(a)(1)) is similar to the Senate bill.

ELIGIBLE PROJECTS FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The House amendment (sec. 701(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to define eligible projects under this program to include provision of services or U.S. produced goods.

The Senate bill (sec. 120(c)(2)) defines eligible projects to include provision of services, and agricultural goods and materials.

The conference substitute (sec. 706(a)(2)) is similar to the House amendment. It is the intention of the committee of conference that credit guarantees may be used for the sale of U.S. produced nonagricultural goods that contain a component that is not produced in the United States if the applicant certifies that:

(1) such component is not commercially produced or available in the United States and there is no acceptable substitute for such component that is commercially produced in the United States, or

(2) such component is a de minimis component of the product.

The committee of conference emphasizes that existing law provides that the Secretary of Agriculture must determine that provision of credit guarantees under this program will primarily promote the export of U.S. agricultural commodities.

PRIORITIES FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The Senate bill (sec. 102(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the Commodity Credit Corporation shall give priority to projects under the E. (Kika) de la Garza Fellowship Program, to projects on private farms and cooperatives, and to U.S. persons who agree to assume a relatively larger share of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(2)(C)) is similar to the Senate bill but makes reference to privatization and projects that benefit private farms or cooperatives.

LEVEL OF GUARANTEES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall not provide guarantees or credit in excess of 85 percent of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference agrees that the executive branch should comply with the rules of the Organization for Economic Cooperation and Development (OECD) in determining the percentage of value of the facilities, goods, and services that can be covered by the export credit guarantee. Currently, the OECD limits guarantees on facilities to not more than eighty-five percent of the value of such facilities.

ORIGIN REQUIREMENTS

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall finance only projects predominantly of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DETERMINATIONS ON DIRECT CREDIT SALES

The House amendment (sec. 701(c)(1)) amends section 201(c) of the Agricultural

Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. This amendment applies only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR DIRECT CREDIT SALES

The House amendment (sec. 701(c)(2)) amends section 201(d)(1)(C) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of direct credits made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(b)) is identical to the House amendment.

CREDITWORTHINESS FOR DIRECT CREDIT SALES

The Senate bill (sec. 120(d)(2)) amends section 201 of the Agricultural Trade Act of 1978 to add a new subsection (f) which requires that the Commodity Credit Corporation may not provide direct credits under this section to any country that the Secretary determines cannot adequately service the debt associated with such sale.

The House amendment contains no comparable provision.

The conference substitute (sec. 707(c)) is the same as the Senate bill.

REGULATIONS

The House amendment (sec. 701(c)(3)) requires the Secretary of Agriculture to issue final regulations to implement section 201 of the Agricultural Trade Act of 1978, as amended by this Act, not later than 30 days after the date of enactment of this Act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(d)) is the same as the House amendment.

DETERMINATIONS FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(1)) amends section 202(c) of the Agricultural Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. These amendments apply only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(2)) amends section 202(d)(3) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of credit guarantees made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)(2)) is the same as the House amendment.

CREDIT GUARANTEE PROGRAMS

The House amendment (sec. 701(j)) amends section 202 of the Agricultural Trade Act of 1978 to mandate that, to the extent practicable, no less than 35 percent of credit guarantees issued for the independent states each fiscal year shall be to promote the export of processed and high value agricultural commodities. The House amendment applies for any fiscal year only to the extent that the percent of global guarantees issued for processed and high value products is less than 25 percent.

The Senate bill (sec. 120(d)(2)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Commodity Credit Corporation to establish an objective that no less than 35 percent of credit guarantees issued for the independent states should be processed products and high-value agricultural commodities.

The conference substitute (sec. 709(a)) is essentially the same as the House amendment.

EXPORT ENHANCEMENT PROGRAM

The House amendment (sec. 701(k)) amends section 301 of the Agricultural Trade Act of 1978 to require that, to the extent practicable, 25 percent of the funds expended and the value of any commodities made available for export enhancement program sales to the independent states of the former Soviet Union shall be used to promote the export of processed and high-value U.S. agricultural products. The House amendment applies for any fiscal year only to the extent that the percent of global funds expended and commodities made available for export enhancement program sales of processed and high value U.S. agricultural products is less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute (sec. 709(b)) is essentially the same as the House amendment.

DECLARATION OF POLICY

The House amendment (sec. 701(h)) is a statement of policy that the export credit guarantee program and export enhancement programs should be administered with respect to the independent states of the former Soviet Union so as to contribute to the achievement of the objective that the U.S. share of world trade in processed agricultural products and high-value agricultural products is not less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position.

REPORTING REQUIREMENTS

The House amendment (sec. 701(l)) amends title III of the Agricultural Trade Act of 1978 to require quarterly and annual reports on the cost-revenue analysis and employment effects of supporting the export of processed and high-value agricultural commodities.

The Senate bill (sec. 120(d)(3)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to conduct an annual review of the extent to which export credit guarantee sales of processed products of agricultural commodities and high-value agricultural commodities to the independent states of the former Soviet Union meet the 35 percent objective and to justify why the minimum level may not have been achieved.

The conference substitute does not contain a reporting requirement for export of processed and high-value agricultural commodities.

DEFINITIONS

The House amendment (sec. 701(i)) amends section 102 of the Agricultural Trade Act of 1978 to define processed agricultural product and high-value agricultural product.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference intends that the term "processed agricultural product" means a product derived from a bulk or raw agricultural commodity which, as a result of the application of human labor, the use of machines, or other factors involved in a manufacturing process, is increased in value and made more appropriate for human consumption or use. Such term includes, but is not limited to livestock products, poultry products, fish products (without regard to whether such fish are harvested in aquacultural operations), dairy products, peanut products, wheat flour, milled rice, refined sugar, vegetable oil, processed baby foods, and prepared, preserved, canned and other processed food products.

The committee of conference intends that the term "high-value agricultural product" means an agricultural commodity the value of which, on a per-unit or equivalent volume basis, is substantially higher than the value of bulk or raw agricultural commodities, such as grains and oilseeds. The term includes, but is not limited to fresh, chilled, or frozen meats, fish, (without regard to whether such fish are harvested in aquacultural operations), dairy cattle, fruits and vegetables, eggs, breeder stock, plant seeds, and tobacco.

DISASTER ASSISTANCE FOR TREES LOST DUE TO FIRE BLIGHT

The Senate bill (sec. 149) amends section 2255(a) and 2256(l) of the Food, Agriculture, Conservation, and Trade Act of 1990 to insert the term "fire blight".

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

EDMUND S. MUSKIE FELLOWSHIP PROGRAM

The Senate bill (sec. 144) designates the scholarship program established by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, as the Edmund S. Muskie Fellowship Program.

The House amendment contains no comparable provision.

The conference substitute (sec. 801) is the same as the Senate bill.

NEW DIPLOMATIC POSTS

The House amendment (secs. 301 and 302) authorizes $25.3 million in additional funding for the Department of State and the United States Information Agency for costs of personnel and other expenses for new posts in the independent states of the former Soviet Union, and contains other miscellaneous provisions.

The Senate bill (sec. 110) authorizes $24.8 million for the same purposes.

The conference substitute (secs. 802, 804, 805 and 806) authorizes a total of $25 million, and incorporates miscellaneous provisions relating to personnel, broadcasting, and international organizations.

SOVIET EMBASSY REPEAL

The Senate bill (sec. 127) repeals sections 132(f) and (g) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138), relating to occupancy of the former Soviet Embassy in Washington, D.C.

The House amendment contains no comparable provision.

The conference substitute (sec. 803) is the same as the Senate bill.

EXCHANGES

The Senate bill (titles II and III) authorizes a variety of exchange programs for secondary school students, undergraduate college students, graduate students, local and

regional government officials, professors, educators and business representatives from the independent states of the former Soviet Union and the Baltic states, and authorizes a total of $81.25 million for the purposes of title III and such sums as may be necessary for the purposes of title II. The Senate bill (sec. 405) also authorizes the President to establish regional Agribusiness Centers at State universities and land grant colleges in the United States for the purpose of expanding two-way exchange programs among agribusiness practitioners and authorizes the appropriation of $10 million for this purpose.

The House amendment contains no comparable provisions.

The conference substitute (sec. 807) authorizes $50 million for a broad spectrum of exchanges, and of training and similar programs to promote the objective of title II of the conference substitute. Participants in such programs shall include secondary school students, undergraduate and graduate students, farmers and other agribusiness practitioners, and local and regional government officials. The conference substitute also authorizes $20.8 million for enhancement of existing USIA exchange programs. Up to 5% of the funds authorized by this section may be used to pay administrative expenses. The conference substitute also states that educational, cultural and other exchange programs carried out under this section shall be administered by USIA and that training and other non-exchange programs shall be administered by AID or other appropriate U.S. Government agencies. In addition, the conference substitute authorizes the establishment of regional agribusiness offices which are to be funded from sources other than funds authorized by this act. Finally, the conference substitute repeals section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, relating to the Eastern Europe Student Exchange Endowment Fund.

The conference substitute includes $20 million specifically for secondary school students, which may be used for short-term visits of a month or less and longer-term visits of up to one year. Recognizing that the primary purpose of this program is to provide students with in-depth exposure to the American political and economic system, American culture and values, the committee of conference suggests that not more than 35 per cent of the funds authorized will be used for short-term visits and that not more than 15 per cent will be used to finance educational exchanges of U.S. students. Grants under this program should be awarded competitively.

The committee of conference notes that there are many organizations with established programs and demonstrated competence in the area of secondary school exchanges, including the Close Up Foundation, American Field Service-U.S.A., Experiment in International Living, Youth for Understanding, and the National Association of Secondary School Students. The Close Up program, for example, includes a visit to Washington, D.C. to observe the institutions of government first-hand and to interact with government officials. The committee of conference expects that the long experience and record of these and other organizations will be given every consideration in the implementation of this section.

The conference substitute also authorizes exchanges to provide technical assistance in the areas of local and regional self-government, and allows some of the funds authorized to be used for this purpose. This will provide for short-term exchanges of local and regional government officials, and practitioners and experts in public administration and local government in order to assist the independent states in establishing and sustaining democratic institutions at local and regional levels. The committee of conference notes that numerous organizations, including the Advisory Commission on Intergovernmental Relations, the National Academy of Public Administration, the National Governors Association, the National Conference of State Legislators, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the International Center, the Council of State Governments, the National Association of Towns and Townships, the International City/County Management Association, and others, have received requests from the independent states to provide technical assistance and training. These organizations and others have the competence, and are prepared, to provide such training and assistance.

The agribusiness offices in the United States should: set criteria for the selection of participants, host families, and agribusinesses; coordinate with existing organizations in the field of agriculture and agribusiness; seek appropriate contributions from private American agribusiness organizations; and assist agribusiness practitioners from the independent states through training, education programs, and other means. These offices should be located in states where small agribusinesses are the primary structure of farming and at state universities and land grant colleges with strong programs in international development, land tenure resolution, and cooperative development and management.

TITLE IX—OTHER PROVISIONS

COMMUNIST COUNTRIES LIST

The House amendment (sec. 701(a)) amends section 620(f) of the Foreign Assistance Act to remove the independent states of the former Soviet Union and the countries of Eastern Europe from the list of communist countries.

The Senate bill (sec. 119(a)) contains a similar provision.

The conference substitute (sec. 901) is the same as the House amendment.

SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT

The Senate bill (sec. 121) expands the SEED Act from Poland and Hungary to include the other countries of Eastern Europe and provides an authorization for appropriations for fiscal years 1992 and 1993 for the SEED Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 903) expands the SEED Act to include the other countries of Eastern Europe and provides authority to carry out in those countries administration of justice programs under section 534 of the Foreign Assistance Act. The term "Czech and Slovak Federal Republic" should be interpreted to include successor entities.

PEACE CORPS VOLUNTEER TRAINING REQUIREMENT

The House bill (sec. 703) repeals section 8(c) of the Peace Corps Act which requires that the training of Peace Corps volunteers include instruction in the philosophy, strategy, tactics, and menace of communism.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 904) is the same as the House amendment.

CATEGORIES AND ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

The House amendment (sec. 704) extends through September 30, 1994 two sections of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990: section 599D which establishes categories of aliens who share common characteristics that identify them as targets of persecution, and section 599E which requires the Attorney General to adjust status for certain members of the designated categories who were not granted refugee status, but were granted parole into the United States.

The Senate bill (sec. 122) extends section 599D of the Foreign Operation, Export Financing and Related Programs Appropriation Act, 1990.

The conference substitute (sec. 905) is similar to the Senate bill.

ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES

The Senate bill (sec. 147) makes Estonia, Latvia, and Lithuania eligible to purchase nonlethal defense articles under the Arms Export Control Act and under section 503 of the Foreign Assistance Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 906) is virtually identical to the Senate bill.

RESTRICTIONS ON ASSISTANCE TO AZERBAIJAN

The House amendment (sec. 103(b)) prohibits assistance and other benefits to the Government of Azerbaijan until the President determines and reports to Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

The Senate bill (sec. 105(c)) contains a similar restriction, with added conditions that the Government of Azerbaijan is respecting the internationally recognized human rights of Armenians and other minorities and is participating constructively in international efforts to resolve peacefully and permanently the conflict in Nagorno-Karabakh.

The conference substitute (sec. 907) is similar to the House amendment.

STRATEGIC DIVERSIFICATION

The Senate bill (sec. 123) directs the Office of Barter at the Department of Commerce and the Interagency Group on Countertrade to report within six months of the date of enactment of this act on the feasibility of using barter, countertrade, and other self-liquidating finance methods to facilitate the diversification of U.S. oil imports through cooperation with the independent states in the development of their energy resources.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position, as an identical provision is included in the conference on the energy bill.

EXPORT CONTROL POLICY

The Senate bill (sec. 124) expresses the sense of Congress that the United States should: cooperate with and assist the former Soviet Union in developing export control systems and enforcement mechanisms capable of barring proliferation of military systems, militarily critical technologies, and weapons of mass destruction, and consistent with such nonproliferation objectives; implement a licensing policy and cooperative arrangements through COCOM to encourage expanded trade and investment with the independent states; encourage development

of economic infrastructure; and assist redeployment of defense capabilities in the independent states to civilian uses. The Senate bill also encourages appropriate U.S. Government agencies to provide technical assistance in support of such efforts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMOTION OF COMPETITIVE OPPORTUNITIES FOR U.S. INSURANCE COMPANIES

The Senate bill (sec. 157) requires the Commodity Credit Corporation and the Agency for International Development to seek to ensure that U.S. insurance companies are afforded fair and open competitive opportunities to provide insurance for transactions pursuant to this act.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference supports the objective of this provision but is of the view that open markets cannot be expected to exist in the independent states in the first year after shunning communism. The committee of conference anticipates that this issue will be addressed in the context of the reauthorization of the Overseas Private Investment Corporation and notes that the Congress adopted similar language in 1991 in a conference report revising the Foreign Assistance Act.

AVAILABILITY OF ECONOMIC ADJUSTMENT ASSISTANCE

The Senate bill (sec. 138) provides that funds appropriated to the Department of Defense before the date of enactment of this Act and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments impacted by reductions in defense industry employment may be made available until September 30, 1997 only to the extent provided in subsequent appropriations acts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

SOVIET SALE OF URANIUM

The Senate bill (sec. 145) expresses the sense of Congress that the President should take those actions necessary to minimize disruption of the international market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. However, the committee of conference urges the President to take those actions necessary to minimize disruption to the international uranium market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

TRAINING IN ECONOMIC SECURITY AND DEVELOPMENT SKILLS

The Senate bill (sec. 130) amends chapter 5 of part II of the Foreign Assistance Act to add a new section authorizing the allocation of international military education and training funds to provide education and training of foreign military personnel about to be separated from active duty in economic security and development skills.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DISCUSSIONS WITH ISRAEL

The Senate bill (sec. 155) expresses the sense of the Senate that the executive branch should pursue renewed good faith discussions with the new Government of Israel on the provision of assistance to help meet humanitarian needs associated with the massive influx of immigrants from the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes that the Congress is moving legislation on this issue in the foreign operations appropriations bill for fiscal year 1993.

SALE OF LTV

The Senate bill (sec. 142) expresses the sense of Congress that, notwithstanding any other provision of law or any agreement to the contrary, no foreign person should be permitted to purchase or otherwise acquire the LTV Aerospace and Defense Company.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMULGATION OF FINAL REGULATIONS ON CERTAIN AVIATION ISSUES

The Senate bill (sec. 156) provides that after September 1, 1992, the Secretary of Transportation shall no longer have authority to regulate airline computer reservation systems if by that date the Secretary of Transportation does not promulgate final regulations governing airline computer reservation systems or if the Administrator of the Federal Aviation Administration does not promulgate final regulations on the allocation and transfer of airline slots at high density traffic airports.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS AND TRADE FINANCE

INTERNATIONAL MONETARY FUND QUOTA INCREASE

The Senate bill (sec. 118) amends the Bretton Woods Agreements Act to (1) authorize an increase in the quota of the United States in the International Monetary Fund equivalent to 8,608,500,000 Special Drawing Rights and authorize the U.S. Governor of the Fund to use his voice and vote to promote the use of resources of the Fund for the establishment and support of currency boards; (2) authorize the U.S. Governor of the Fund to consent to certain amendments to the Fund's Articles of Agreement that would allow the Fund to suspend a member's voting rights if that member, having been declared ineligible to use the Fund's general resources because it failed to fulfill obligations under the articles; and (3) authorize the U.S. Executive Director of the Fund to vote to approve the sale of up to 3 million ounces of the Fund's gold to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust. It further authorizes the U.S. Governor of the Fund to instruct the U.S. Executive Director of the Fund to vote to disapprove a Fund program for any state that has not enacted or taken substantial steps to enact the legal and policy frameworks necessary for privatization.

The House amendment (secs. 401 and 406) contains similar provisions, authorizing and appropriating funds for the increase in the quota of the United States in the Fund, and stating findings and the sense of the Congress on problems of nations making the transition to more open political and economic systems.

The conference substitute (sec. 1001) authorizes (1) the increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, (2) the acceptance of the above-described amendments to the Articles of Agreement of the Fund, and (3) the approval of the sale of up to 3 million ounces of the Fund's gold under the above described conditions.

With respect to the authority to approve of sale of the Fund's gold if this becomes necessary in order to bolster the resources of the Enhanced Structural Adjustment Facility of the Fund, the provision of financing to a Fund member should be made under the "rights approach", that is, loans or credits should be provided to a member who was in arrears at the time the IMF quota agreement was negotiated only upon the successful completion by the member of a multiyear adjustment program prescribed and monitored by the Fund, under which the member is required to remain current on obligations to the Fund.

The committee of conference further notes that encouragement should be given to nations making the transition to more open economic and political systems to their efforts to promote free enterprise, private property rights, a stable legal system, a stable monetary system, and an open trading system, and that continued U.S. support for their utilization of the resources of the international financial institutions should take into consideration the continuation of the efforts of the independent states to move toward more open economic and political systems.

INTERNATIONAL MONETARY FUND POLICY CHANGES

The Senate bill (sec. 146) directs the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to promote the following policy and staffing changes within the Fund: (1) the development of social and environmental impact assessments as a required element of consideration of requests for financial assistance which shall be considered in policy formulations; (2) the establishment of an independent audit department to determine whether the Fund's objectives are being met and to evaluate the social and environmental impacts of the implementation of the policy prescriptions; (3) the establishment of procedures that ensure the focus of future economic reform programs on policy options that increase the productive participation of the poor in the economy; (4) the establishment of procedures for public access to information; (5) the institution of procedures to analyze the costs and benefits of structural adjustment and stabilization programs to reflect losses in the natural resources base and the contribution such resources make to the well-being of the local population. This section requires that, as part of the annual report, the Secretary of the Treasury submit a report on the actions that U.S. officials have taken to convince the Fund to adopt the above policy and staffing changes within the Fund, the status of the progress being made by the Fund to adopt such changes, and the reasons why the U.S. Director of the Fund supported or opposed a Fund program with a significant environmental impact. Finally, the Senate bill requires a one-time study by the Secretary of the Treasury to propose ways that the Fund could broaden the involvement of im-

portant ministries, national development experts, environmental experts, and free-market experts from the loan-recipient country in the development of Fund programs.

The House amendment contains no comparable provision.

The conference substitute (secs. 1002 and 1003) is similar to the Senate provision, with technical and clarifying amendments. The conference substitute further includes a provision directing the U.S. Executive Director of the Fund to urge the Fund, in consultation with the World Bank, (1) to continue to develop a methodology to measure the level of military spending by each developing country; (2) beginning with 1994, to provide the Executive Board of the Fund with annual reports relating to the level of military spending by each developing country; and (3) to include in every article IV consultation with a developing country an analysis of the level of military spending by the developing country. The U.S. Executive Director of the Fund is directed to report to Congress on the status of the development of the methodology to measure the level of military spending by each developing country.

SUPPORT FOR MACROECONOMIC STABILIZATION

The House amendment (sec. 404) states that the United States should, in appropriate circumstances, take a leading role in organizing and supporting multilateral efforts aimed at macroeconomic stabilization and debt rescheduling, conditioned on appropriate development and implementation of comprehensive economic reform programs; expresses congressional support for United States participation in a currency stabilization fund or funds for the independent states; and directs the Secretary of the Treasury to instruct the U.S. Executive Director of the International Monetary Fund to urge the Fund to conduct a study of the need for, and feasibility of establishing a currency stabilization fund for Ukraine.

The Senate bill (sec. 114) contains a similar provision, and further authorizes the use of funds for establishing a currency stabilization fund or funds for the establishment and support of currency boards.

The conference substitute (sec. 1004) is similar to the House amendment.

INTERNATIONAL FINANCE CORPORATION

The Senate bill (sec. 113) authorizes the U.S. Governor of the International Finance Corporation to vote for any necessary increase of capital stock to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation relating to voting majorities of the Board of Governors of the Corporation.

The House amendment (sec. 405) states the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union, and amends the International Finance Corporation Act to authorize the U.S. Governor of the Corporation to vote for capital increases necessary to support economic restructuring in the independent states.

The conference substitute (secs. 1005 and 1006) is similar to the Senate bill, authorizing the U.S. Governor of the International Finance Corporation to vote for necessary capital increases to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation. The committee of conference emphasizes its belief that the United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting democracy and open markets in the independent states, and urges the Corporation to provide ambitious lending and investment programs for the independent states.

REPORT ON DEBT HELD BY COMMERCIAL BANKS

The House amendment (sec. 403) directs the Secretary of the Treasury to report to Congress by December 31, 1992, on the debt incurred by the former Soviet Union held by commercial banks outside the independent states.

The Senate bill (sec. 128) prohibits the use of any funds authorized in the bill to pay indebtedness of the independent states to international financial institutions.

The conference substitute (sec. 1007) is similar to the House amendment, with technical modifications and requiring the report not later than one year after the date of enactment.

HUMAN RIGHTS

The House amendment (sec. 407) includes the International Monetary Fund and the European Bank for Reconstruction and Development under the requirements of 701(a) of the International Financial Institutions Act, which calls for the United States to vote against any financial or technical assistance to countries that engage in a pattern of gross violations of internationally recognized human rights or provide refuge to hijackers of aircraft. It further amends section 701(b) of the International Financial Institutions Act to include the independent states in the list of countries where accounting for Americans missing in action is a consideration in assessing their human rights performance.

The Senate bill contains no comparable provision.

The conference substitute (sec. 1008) is identical to the House amendment.

MULTILATERAL INVESTMENT GUARANTEES

The Senate bill (sec. 139) requires the President to submit a report to Congress on the feasibility of establishing a multilateral facility among the members of the G–7 Group to issue guarantees against losses incurred in connection with investments in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 1009) requires the U.S. Director of the Multilateral Insurance Guarantee Agency (MIGA) to submit to Congress a report analyzing MIGA's guarantees of investments in the independent states, and the demand for investment guarantees of the type provided for by MIGA.

RUBLE STABILIZATION

The Senate bill (sec. 126) expresses the sense of the Congress that the President should urge the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to support the right of the independent states to issue currencies independent of the Russian ruble.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes, however, that Estonia introduced a new, stable, convertible currency in June, and that Ukraine has set October 1 as the date to introduce its own currency. The committee of conference urges the U.S. Executive Director of the IMF to use his voice and vote to urge vigorously that the Fund take an aggressive and supportive role in assisting those independent states that choose to introduce their own currencies in achieving stability and full convertibility of those currencies.

TECHNICAL ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 406) amends the Bretton Woods Agreements Act to include a new section requiring the Secretary of the Treasury to instruct the U.S. Executive Director of the World Bank to urge the Bank to establish or continue programs to provide technical assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute is identical to the Senate position. The committee of conference notes that the Bank is already providing technical assistance programs to the independent states, and encourages the Bank to coordinate its technical assistance programs with those programs being provided by the private sector and other international donors.

EXPORT-IMPORT BANK STATUTORY LIST OF COMMUNIST COUNTRIES

The Senate bill (sec. 119) deletes the Soviet Union and Eastern European countries from the statutory Communist country list contained in the Export-Import Bank Act of 1945.

The House amendment (sec. 409) contains an identical provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

DEMAND FOR TRADE FINANCE

The House amendment (sec. 408) requires the Export-Import Bank to report to submit a report to Congress not later than December 31, 1992, analyzing the demand for loans, guarantees, and insurance for trade and making recommendations for the promotion of trade between the U.S. and the independent states of the former Soviet Union.

The Senate bill has no comparable provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
HARRY JOHNSTON of Florida,
ELIOT L. ENGEL,
WM. S. BROOMFIELD,
BEN GILMAN,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403, and 405 of the Senate bill, and section 702 of the House

amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
TIMOTHY J. PENNY,
DAN GLICKMAN,
TOM COLEMAN of Missouri,
PAT ROBERTS,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

LES ASPIN,
DAVE MCCURDY,
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
JOE KENNEDY,
CHALMERS P. WYLIE,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
JIM COOPER,
TERRY L. BRUCE,
CLAUDE HARRIS,
JAMES H. SCHEUER,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
BILL DANNEMEYER,
MICHAEL G. OXLEY,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
NORMAN F. LENT,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

ROBERT A. ROE,
J.L. OBERSTAR,
JOHN PAUL HAMMERSCHMIDT,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
RICK BOUCHER,
ROBERT S. WALKER,

Managers on the Part of the House.

From the Committee on Foreign Relations:

CLAIBORNE PELL,
JOE BIDEN,
PAUL SARBANES,
ALAN CRANSTON,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

PATRICK LEAHY,
BOB KERREY,
RICHARD G. LUGAR,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the shared jurisdiction of that committee and the Committee on Foreign Relations:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I call up the conference report on the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28353.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments thereto now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring before the House today the conference report on the fiscal year 1993 transportation appropriations bill. This year, we had 233 amendments in conference, and I am pleased to report that we have resolved all amendments. The result is a package that I believe preserves a balanced transportation system for the Nation, and addresses the most critical needs of our transportation infrastructure while meeting very tight budgetary constraints.

OVERALL FUNDING SUMMARY

Mr. Speaker, the conference agreement is a fiscally sound compromise. The total domestic discretionary funding levels of $12.5 billion in new budget authority and $33.4 billion in outlays are within the Transportation Subcommittee's revised 602(b) allocations. The total obligational authority provided in this conference agreement is lower than in either the House or Senate bills, and provides an increase of $290 million—1 percent—over fiscal year 1992. Outlays are lower than both the House and Senate passed bills. Meeting these goals required many difficult funding choices.

TRANSPORTATION PROGRAM HIGHLIGHTS

Mr. Speaker, the details of the conference agreement are described in the statement of the managers. I would encourage the members to review that statement, including the summary table at the end. However, I would like to highlight some of the more important items.

First, a total of $18.4 billion in new budget authority, limitations on obligations, and funding for exempt programs is provided for the Federal Highway Administration, an increase of $318 million, or 2 percent, over fiscal year 1992. The obligation limitation for the Federal aid-highways program is set at $15.3 billion, which compares to $16 billion for fiscal year 1992. The conference agreement provides $2.7 billion for programs exempt from the obligation limitation, which is an increase of $1.4 billion—106 percent—over fiscal year 1992. Of importance to some Members, the conference agreement does not include Senate language which would have made funding for the minimum allocation program and certain highway demonstration projects subject to the obligation limitation for Federal aid-highways.

Second, the agreement provides $4.5 billion for FAA operations, which is a 4-percent increase over fiscal year 1992. Overall funding for the FAA is approximately the same level as for fiscal year 1992.

Third, the agreement provides $2.6 billion for Coast Guard operating expenses, a 2-percent increase over last year. Of this amount, $253 million is only available to the extent transferred from the Department of Defense. This amount represents a portion of funding for the Coast Guard's defense-related activities.

Fourth, the agreement provides $496 million for operations and capital improvements of Amtrak, and an additional $204 million to continue infrastructure improvements in the Northeast corridor. This latter figure includes $168.6 million for electrification and other improvements to reduce about 1 hour the travel time between New York and Boston. The agreement also provides no obligation authority for the maglev prototype program, the House position.

Fifth, the agreement provides $3.8 billion in new budget authority and

limitations on obligations for the Federal Transit Administration [FTA], which is approximately the same level as provided for fiscal year 1992.

Sixth, the agreement contains a number of general provisions which were in either the House or Senate bills, some having been amended by the conferees. These include several technical corrections to last year's Intermodal Surface Transportation Efficiency Act and language requiring the labeling of automobiles for domestic content.

SUMMARY

Mr. Speaker, this agreement is a balanced compromise which protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been some major compromises and tough decisions to get us to this point. The bill deserves the Members' support. I strongly urge its adoption.

I would like to compliment and say "thanks" to our staff and the other members of our subcommittee who held firm to the House position when we had to. The bill deserves the Members' support, and I strongly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report accompanying the fiscal year 1993 transportation appropriations bill.

Our distinguished chairman, the gentleman from Florida, has as always done an exceptional job in getting our last bill to the conference.

As you all know, Chairman LEHMAN has left his mark on transportation, on this Congress, and on this country. But more than that, he has left his mark on people with an abundance of warmth and thoughtfulness and great integrity.

Mr. Speaker, all any of us has, really, in this vale is our reputation, the heritage we leave behind, the people whom we have affected through our lives.

Chairman LEHMAN, you have affected thousands upon thousands of people; you have made their lives better, improved their lives, and made this place a better place in which to live.

□ 1320

I cannot tell the gentleman from Florida how much it has meant to me, both professionally and personally, to have had the opportunity to work with the chairman, the gentleman from Florida [Mr. LEHMAN], as well as the other members of our subcommittee.

As the chairman has said many times, we are also only as good as the staff that serves the subcommittee, Tom Kingfield, Rich Efford, Lucy Hand, Linda Muir, Zee Latiff; and on the Republican side, John Blazey and Lorraine Howerton. We are only as good as you are, and the hours you put into this we are grateful for and the Nation is grateful for.

Mr. Speaker, God bless and Godspeed in whatever the future holds for the chairman, our very dear friend and colleague. As always, I am sure our association will transcend the years.

The conference report that is before us was worked upon as a team, and it is a good compromise, a compromise which will improve our infrastructure and keep our systems safe. These transportation goals are furthered in this conference report.

This report, my colleagues, is not a budget-buster. It falls below the President's budget request. It has been scored by the Congressional Budget Office to be within our 602(b) allocation. The bill passed by both the House and the Senate contained a number of objectionable provisions which the President's senior advisers objected to. These provisions have been modified or dropped. The Department of Transportation supports the conference report and the President's senior advisers have indicated that the conference report will be signed by the President.

The conference agreement, as the chairman has pointed out, provides $13.2 billion in new budget authority. This is $271 million less than the President's budget request, $6.1 million less than the bill passed by the House last July, and $1.2 billion less than last year.

When you included limitations on obligations, the conference agreement is $36.1 billion. This is $359 million less than the President's budget request, $1.42 billion less than the House bill and $290.3 million more than last year.

The major agreements are $2.6 billion in operating expenses for the Coast Guard, including $403 million from defense.

There is $340 million in Coast Guard acquisition, construction, and improvements.

There is $4.5 billion in operations for the Federal Aviation Administration.

There is $2.35 billion in FAA facilities and equipment.

There is $18 billion in our highway obligation ceiling. And to put aside the concerns of many of my colleagues, the limitation on Federal-aid-highways exempts the minimum allocation and highway demonstrations under ISTEA.

There is $204 million for the Northeast corridor improvement project.

There is $496 million in Amtrak grants.

There is $1.7 billion for mass transit programs.

There is a general provision requiring automobile labeling by identifying the percentage, by value, of component parts, which originate in the United States or Canada.

The amendments breaching the firewalls were dropped.

The various labor protection provisions included in the bill, which were really authorizing provisions, were also dropped.

Restrictions on the operations of the Interstate Commerce Commission were dropped.

Given our current financial situation, it is the best conference report that we can bring before this body. I urge my colleagues to approve the conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I just want to thank my dear friend, the gentleman from Pennsylvania, for his kind remarks, I want to convey to him the fact that whatever I have been able to do, I would not have been able to do without his support and help through the years. I hope our paths will cross in the future and that we will be able to maintain our friendship through the years to come. I thank the gentleman again for his kind remarks.

Mr. WHITTEN. Mr. Speaker, I want to congratulate my colleagues on the Subcommittee on Transportation Appropriations for their work on this conference agreement. I want to especially thank our fine chairman, the gentleman from Florida [Mr. LEHMAN] and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] both whom we will greatly miss in the next Congress.

The funding included in this conference agreement provides investments for our Nation's future. Money in this bill is indeed an investment in America—in the real wealth of our country. It will produce both immediate and long-term dividends. It will help us to compete in the world marketplace and regain our normal share of domestic and world markets. Transportation is a basic underpinning of our economy, and we cannot afford to continue the decline we have seen in the 1980's.

I am proud to be a member of the subcommittee which recognizes the importance of transportation in a strong Nation on which all else depends.

Included in the conference agreement under the Federal Aid Highway Program is over $171,000,000 for Mississippi. In addition to that amount is funding to continue the highway safety and economic development demonstration project. Funding has also been included for alteration of a railroad bridge over a navigable waterway in Pascagula.

Mr. Speaker, this is an important conference report, and I urge its adoption.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise today to commend the work of the gentleman from Florida [Mr. LEHMAN] as chairman of the House Appropriations Subcommittee on Transportation and to support H.R. 5518, the transportation appropriations bill for the fiscal year 1993.

My friend will be leaving this body after this term, and I know that Chairman LEHMAN's presence will be missed by both the Appropriations Committee and the House as a whole. Paradoxically, now is the time when such a superb proponent of a strong national transportation system is most desperately needed. As our Nation faces a crumbling national infrastructure, our generation of Americans must be the ones to build the bridges and pave the roads on which our children's children will transport themselves into the 21st century. With the mounting Federal debt, we must seek out opportunities for partnerships with State and local governments and with the private sector.

The transportation appropriations bill will enable us to forge these types of partnerships. For example, the Dallas Area Rapid Transit Authority [DART] will now be able to enhance and complement light rail service. DART is primarily a locally sponsored venture, with 80 percent of the funds used to build the overall DART light rail system coming from the local community. With the help of Federal funds, DART will be able to provide to the citizens of the Dallas area a quicker and easier route to work, school, or retail and recreational opportunities.

I proudly support Chairman LEHMAN and urge passage of H.R. 5518 and I welcome the much-needed commitment to upgrading our Nation's infrastructure. The retirement of Chairman LEHMAN will undoubtedly create a void where his remarkable intelligence, insight, and delightful humor have filled this body for so long.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the conference report for H.R. 5518, the fiscal year 1993 transportation appropriations bill.

Mr. Speaker, providing mobility for people and for goods on their way to market in a nation this vast would be a tall order under the best of budgetary circumstances. In these economic times, the challenge is even greater.

But I believe that in H.R. 5518, we have achieved the fairest, most cost effective strategies for maintaining and improving this Nation's extensive intermodal system of highways, airways, railways, and ports in the next fiscal year. Given the levels of needs—many of them in competition—compared with the limited resources, I don't think we could have produced a better bill than this one.

It recognizes the merits of, and the critical need for, efficient ways to move people who are in a position to rideshare or use mass transit. But, H.R. 5518 also recognizes that, in a nation as vast as ours, our highway system will always be the element that underpins our infrastructure. It is on our highways that will travel station wagons full of children on their way to visit grandparents in remote, faraway areas. Or recreational vehicles carrying families to our Nation's parks. Or, perhaps, just cars headed for the grocery store or the office, for those citizens who do not live on a transit line.

And for all our transportation modes, this bill provides the resources to adhere to the highest safety standards humanly possible.

H.R. 5518 is not perfect but it is the best effort possible at balancing all of the competing needs of our citizens and our economy for mobility. And, much of the credit for that goes to our chairman, Mr. LEHMAN, and our ranking member, Mr. COUGHLIN, for their yeoman's work in crafting this bill. There is no question that we will miss the handiwork of these two Members in this Chamber. They have done great service for our committee, for this body, but more importantly, for our country. We will miss them, but we wish them well and we will always recognize and appreciate their trademark on our Nation's transportation system.

Mr. Speaker, let me just say that we will all miss the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN].

With regard to the gentleman from Florida [Mr. LEHMAN], as I said before, as a minority member of the committee we were always made to feel very, very welcome and a part of the process. Unfortunately, that is not always the case in a lot of the committees. In many of the committees although there is friendship that goes across the aisle, there is great partisanship and division that also goes across the aisle. That was not the case in our committee. For young Members who came on the committee, the gentleman from Florida [Mr. LEHMAN] made us feel that we had every right to speak out, do whatever we wanted to do and we would be able to play a major role.

So I just want to wish the chairman well and say "God bless" and wish the best to him and his wife. We will miss the gentleman. He has made a tremendous impact.

For the gentleman from Pennsylvania [Mr. COUGHLIN] I want to say basically the same thing as I said the night that the bill came up. I was a young staffer here, maybe not that young, but a staffer on Capitol Hill when I first met the gentleman from Pennsylvania [Mr. COUGHLIN]. I was working for former Congressman Pete Biester from Pennsylvania. The gentleman from Pennsylvania [Mr. COUGHLIN] came in to use our office to interview for the staff. I did not know that I would ever get to serve with the gentleman from Pennsylvania [Mr. COUGHLIN] but I just want to wish the gentleman from Pennsylvania [Mr. COUGHLIN] well and thank him for making us feel very much a part of the committee.

In closing, I want to thank the staff on both the majority side and the minority side. That is Tom Kingfield, Rich Efford, Linda Muir, Zee Latiff, and our minority staff member, John Blazey, and all the others who were here and who are no longer here. I just want to thank them for their help.

Again, the staff is bipartisan, nonpartisan, or copartisan, whatever the word is, and I think that is to the credit of the Appropriations Committee, because therefore you do not have quite the partisanship there that you may have on other committees.

So I want to thank the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and wish them well.

Mr. LEHMAN of Florida. Mr. Speaker, first I want to thank my friend, the gentleman from Virginia [Mr. WOLF], for his kind remarks. I will miss him on the subcommittee. He always had one more question for the witnesses. You never let witnesses off easy in the subcommittee.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the chairman for yielding me this time.

I merely want to associate myself with the remarks of the many who have indicated their love and affection for the gentleman from Pennsylvania [Mr. COUGHLIN], and our chairman, the gentleman from Florida [Mr. LEHMAN]. They have worked very hard, hours upon hours out of the committee room, crafting the structure of our bill. They have done a good job. They are going to be missed.

Collectively, they have a tremendous amount of knowledge and experience about transportation matters in particular, which our subcommittee is going to miss next year as the committee marks up its own legislation without them for the first time.

So once again I want to say "thank you" to both the gentleman from Pennsylvania [Mr. COUGHLIN] and to the chairman, the gentleman from Florida [Mr. LEHMAN], and wish them well in their retirement.

□ 1330

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I, too, thank my ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], and I rise to also support the transportation appropriations conference report.

I would like to say from the outset that this committee will miss two of the finest gentlemen that have ever served this subcommittee in this House. I know that many of the Members of this House know and love both the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN], but I do not

think very many Members have watched them work day in and day out and the kind of work that they have done on behalf of each individual Member of this House. I have never seen a chairman or a ranking member that would take every little bitty, however insignificant sounding, concern of each Member and treat it as if it was his own, and, because of the heart that is in our ranking member and in our chairman, we have had one of the finest subcommittees of the Committee on Appropriations, if not of the House, and I also want to say it is sort of one of those real sad things. We hate to see them go, but we know they are going to enjoy a better life than what we have had to put up with around here for the last few years, and we wish them all the best, and we know that they will be around, and we will be able to see them and consult with them. But it is a sad day in that this is the last bill that the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] will manage, and it is a sad day indeed that we are going to lose such experience and such heart as these two men have. But I have to say that I truly believe that this Nation's transportation system is better off because of BILL LEHMAN and LARRY COUGHLIN. They may be leaving this institution, but they certainly will not be forgotten.

Let me speak very briefly on the bill itself.

As the Federal Transit Administrator, Brian Clymer, stated during his recent visit to Houston during the Republican Convention, Houston is the leader in mass transit and intelligent vehicle highway systems. They serve as a model for the rest of the Nation, and I could not agree more. Houston has the most technologically advanced traffic management programs, enhanced street maintenance programs, neighborhood infrastructure systems, such as hike and bike trails and street and sidewalk improvements, than any other city in the country. And, as my colleagues can tell from that list of transportation programs, unlike many other cities of this Nation, Houston addresses its transportation efforts in a complete and comprehensive manner. All of the projects that I spoke about are designed to support its better bus system and improve vehicular and pedestrian mobility. They do not just look at one problem area and try to fix it by pouring money into a black hole. It is this comprehensive philosophy that has enabled Houston to provide the best service for the lowest cost, and I commend their efforts.

However, Mr. Speaker, a year ago I stated that the people of Houston won in their fight to defeat a failed project. No one thought it could be done, and I stated that bigger problems have been overcome in a shorter amount of time, and where there is a will there is a way, but, Mr. Speaker, Houston now has the most state-of-the-art transportation plan in the Nation, and probably in the world, so I am proud of the convictions of the people of Houston whom I represent, and I am proud to represent the transportation interests for Houston and the rest of the Nation, and I am proud of the work this subcommittee has done in support of Houston's efforts, and I sincerely hope to have the distinct opportunity to assist Houston in the future.

To my conservative colleagues, I hope that they will take a very hard look at this bill. This is the best and most fiscally responsible bill of any that have come to this floor in the appropriations process. If my colleagues look at this bill, this is $1.2 billion under last year's spending and budget authority—under last year's spending and budget authority. Our committee labored long and hard and in conference labored long and hard in making sure that priorities were set in spending, that Members' concerns were taken into consideration, but came out with a very fiscally responsible bill, and I think my colleagues can look at it and understand what a good bill this is and vote for it.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Speaker, let me say at the outset, in echoing the comments of my colleagues on this subcommittee, that it has been a genuine pleasure and honor to work with the gentleman from Florida [Mr. LEHMAN] the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. Speaker, I say to my colleagues, I don't care what your walk of life may be. I hope that you have the good fortune to work with honorable and compassionate people like these. They have served their districts, their States, and their Nation with pride and with effectiveness.

Let me say a word about this bill in the most general terms and paraphrase a popular commercial:

Our committee doesn't build airplanes, but we help land them safety. Our committee doesn't assemble cars, but we build modern, safe highways for families who use them. Our committee doesn't run the trains, but we keep people and goods moving efficiently as part of our Nation's economic machinery. And our committee doesn't build new plants and businesses, but we do build the infrastructure which attracts and retains quality jobs for America's communities.

This appropriation is not about concrete and steel. It is about families and jobs and dreams.

My colleague, the gentleman from Texas [Mr. DELAY] has spoken to the fact that we did our best to be responsible in the amount of money we are spending and to make sure that it was spent wisely, not only for the people we represent, but for the taxpayers across this Nation. Our critics may demean our efforts, but, as an unabashed and unapologetic progressive, I have come to believe that the work of this Transportation Committee can bring more quality to the lives of American families than many other social programs.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, today we are scheduled to vote on H.R. 5518, the Transportation and related agencies appropriations for fiscal year 1993 conference report.

At this point in time, I am inclined to vote in favor of this report since the funding request contained in the report represents only a 1 percent increase over the past fiscal year funding and will create thousands of jobs nationwide.

However, this report contains $110 million for continued construction of the Metro Red Line Subway System in Los Angeles, CA.

As the House knows, I have called for an investigation by the GAO and other appropriate agencies to look into numerous published and unpublished allegations of waste, fraud, and abuse in the construction of this subway system.

I want to make the record clear that when I vote in favor of this report, my vote should not be interpreted as an endorsement of the manner in which the Los Angeles Metro System project is being managed.

I remain very concerned about the allegations which continue to come to my attention alleging waste, fraud, and abuse of the tax dollars being spent by every taxpayer across the Nation on this project.

Of equal concern is the fact that whistleblowers and others with allegations of waste, fraud, and abuse feel that their charges either have been ignored or not thoroughly investigated.

I am confident that the appropriate Federal agencies investigating this matter will make a thorough review of these allegations and provide the House with their findings. I see no need to repeat these allegations at this time.

I am pleased that Mayor Thomas Bradley, in the September 18, 1992, edition of the Los Angeles Daily News agrees with my position by stating that: "We must get to the bottom of these continued allegations of improprieties at the Los Angeles County Transit Commission."

The public has the right to be assured that their tax dollars are being spent wisely and honestly. This is the essence of what this investigation is all about.

However, overall, this is one of the most fiscally conservative appropriations bills I have seen since I have been in Congress. Also, it is an investment in America and not simply money going overseas, and this is another reason I support the bill. I urge my colleagues to support this legislation.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the bill but in some concern

over legislative language that was placed in the appropriation bill.

Mr. Speaker, I rise today to express my concern about action taken by the conferees on the Department of Transportation appropriations bill.

It seems that in the dark of night, the conferees decided to help American consumers by mandating that new cars and trucks display a window label disclosing their United States, Canadian, and foreign content. This so-called proconsumer provision will provide consumers with what is, in effect, a government-endorsement which may be misleading, flat-out wrong information that threatens the livelihood of thousands of American autoworkers who work for foreign-owned, American-based companies.

It makes no sense whatsoever to claim a car is foreign when the vast majority of its parts are built and assembled in the United States, but that's just what this provision will do. Try telling the hard-working folks in my home State who work for Honda that they're producing foreign cars, despite the fact that they buy American raw materials and use American labor. Using the kind of logic, I guess the Seattle Mariners are a Japanese baseball team. Perhaps the conferees think we should label Mariners' tickets so the baseball viewing public will know they're watching a Japanese team.

This ludicrous, blatantly xenophobic provision could have been added by the Big Three and the UAW, whose professed concern for the American autoworkers doesn't extend to those Americans who work for transplants.

In recent months, I have heard all kinds of claims about how all the Big Three need is a level playing field, but instead of promoting free and fair competition, this body seems intent on approving protectionist legislation that produces anything but a level playing field.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE], a member of our subcommittee.

Mr. PRICE. Mr. Speaker, I rise today in support of the conference report on H.R. 5518, a bill making appropriations for the Department of Transportation and related agencies.

This is a good bill which will help ensure that the needs of our Nation's transportation infrastructure will be met in the coming year. This bill is truly an investment in our Nation's future. It will make our skies safer, our highways less dangerous, our air cleaner, and our economy more productive.

It is also responsible. Despite his born-again conversion to cutting the Federal bureaucracy, President Bush proposed a level of $72.4 million for the salaries and expenses for the Office of the Secretary. The conference agreement proposes a level of $62.3 million for this Office, $10.1 million below the President's request and $1.6 million below last year's level. This is the type of belt-tightening that the executive branch needs to make on their own, rather than waiting for Congress to do it.

The bill also preserves the integrity of the minimum allocation program. The Senate proposed in their bill cutting the minimum allocation program and putting it under the obligation ceiling. If this had stayed in the bill, the promise made to donor States in last year's Intermodal Surface Transportation Efficiency Act [ISTEA] would have been broken, and the minimum allocation program compromised. I find it outrageous that the Senate could even consider such a move. The House conferees refused to include any provisions in the conference agreement that would have undermined last year's agreement and the Senate eventually backed down.

In closing, I too want to note the contributions of Chairman BILL LEHMAN, and our subcommittee ranking Republican, LARRY COUGHLIN, to the Congress and to our country. They are both the finest of public servants and, along with out excellent subcommittee staff, they have made out subcommittee a productive place to work.

We will miss them, and we wish them both Godspeed.

□ 1340

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I rise today to oppose the automobile content labeling provision in the DOT appropriations. This provision will require automobile companies to measure domestic content using three different definitions administered by three separate Federal agencies.

Many of my constituents have expressed to me that they are treated like foreigners in their own country simply because they work for transplant companies. Once again, the jobs of hard working Americans in my district are threatened because their labor will be omitted from the domestic content calculation. Not only is the value of their labor excluded but their in-house production of engines, transmissions, suspensions, and other parts would be considered foreign manufacturing. This provision discriminates against one class of American workers, based solely on the investment capital, and not on the American plant where they work.

The content labeling provision claims to provide consumers with information about the origin of content for automobiles. But, this bill will not display the actual domestic content of vehicles produced in the United States and Canada. Further, the content level will be calculated chiefly on the basis of parts origin, and not on labor input at the assembly plant. Therefore, it would discount a significant contribution by Americans producing parts and vehicles in the United States.

I am also opposed to this provision because it will be an additional burden to manufacturers. Implementation of this provision will be an administrative nightmare and lead to costly disputes. It requires extensive recordkeeping to comply with the rules for determining domestic content and would require the tracing of all foreign auto parts content. This Federal regulation will consume resources that could be better utilized in creating jobs for Americans.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, while I support the overall programs funded in this transportation conference report, I must indicate that I strongly disagree with the decision of the House conferees to recede to the Senate and include amendment No. 218.

This amendment mandates the continuance of one-way westbound toll collection at the Verrazano Narrows Bridge, which connects the boroughs of Brooklyn and Staten Island. The Metropolitan Transportation Authority has lost $12 million in annual revenue since the imposition of this one-way toll. In addition, this amendent is ill-conceived because it interferes with a court-ordered environmental review which is already underway.

The implications of imposing this provision on Brooklyn residents and the residents of Lower Manhattan is particularly problematic, when you consider the environmental impacts caused by the one-way toll.

For example, Brooklyn has been forced to absorb additional traffic due to the toll's diversionary effects. The lion's share of this diversion has resulted in heavy trucks using the Gowanus and Brooklyn-Queens Expressways.

The increased air pollution caused by the diversion of traffic has added pollution hot spots where the concentration of carbon monoxide exceeds the national air quality standards. The Soho area of Lower Manhattan has experienced similar pollution problems as well as infrastructure deterioration.

It is unfortunate that this provision will now be used to try to prohibit current negotiations, which are underway at the State level, to resolve this longstanding issue. The last congressional action of our late colleague Ted Weiss, who I respected and admired, was to oppose this amendment.

It is only because of the difficult procedures that govern the consideration of conference reports that I have not asked for a separate vote on this matter by stripping this particular language out. But I want to go on record today and indicate that I plan to call for an investigation into how the Federal Government can dictate to a local municipality on the collection of its tolls and ignore a court-ordered environmental review. I look forward to working with the Brooklyn Heights Association, the Soho Alliance, and local elected officials in opposing the implementation of this provision.

Mr. COUGHLIN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I take this time to thank the chairman and ranking member for their years of service. Both gentlemen have made a great contribution to the country and the infrastructure, helping the transportation system we all depend on and so many of us take for granted. It is through the hard work of the gentleman from Pennsylvania [Mr. COUGHLIN] as well as our chairman, the gentleman from Florida [Mr. LEHMAN], and the great work they have done. We will miss them both and wish them well.

Mr. Speaker, of all the appropriation bills this year that all of us have had to struggle to bring all the needs under the umbrella of requirements of holding spending down, I think this subcommittee has had the most difficult job. They seem to have been cut more, yet the demand for improving our highways and transportation system is continuing. Under a very difficult set of circumstances this year, these gentlemen have done a real tremendous job.

Mr. Speaker, I thank both gentlemen for the years of service, and wish them both well.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I appreciate very much the gentleman yielding.

Mr. Speaker, I wish to salute the gentleman from Florida [Mr. LEHMAN]. The gentleman deserves every accolade that he has received so far on the floor, as does my friend, the gentleman from Pennsylvania [Mr. COUGHLIN]. Both are very estimable Members of this body.

I thank them for their years of service and commend them for an excellent bill. I cannot think of any bill better than this one for helping put America back to work, and at the same time improving America, the highways, the railroads, the airways of America.

As one who began his career as a lawyer with the Louisville & Nashville Railroad Co. many years ago, I feel very strongly about the railroads, both in the inter- and intra-city settings.

Mr. Speaker, the bill crafted by the chairman provides the wherewithal to pursue rail transportation mass transit and other forms of rail transport. So, I applaud the bill and wish the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] well in the years ahead.

I rise in strong support of conference report, and commend the members of the committee for their outstanding work on this bill and over all the years.

I wish to call attention to a few of the many important provisions of the bill. First, $15.4 billion is authorized to be released from the highway fund for Federal-aid highway grants, motor safety grants, and highway-related safety grants.

The sum of $2.7 billion from the Highway Trust Fund is also obligated for programs that are exempt from Federal aid obligation ceiling including the Minimum Allocation Program and highway demonstration projects.

The minimum allocation program will allow states like mine, Kentucky, which is a donor State, to receive its fair return on its payment into the trust fund. Furthermore, the bill assures that the Louisville waterfront roadway improvements project will move forward.

Second, the conference report provides $1.7 billion for the Federal Transit Administration's Mass Transit Formula Grant Program. I regret that the committee was unable to provide more funds for this particular program. Formula grants are vital to continued operation of our mass transit operation in Louisville-Tarc, the Transit Authority of River City.

Third, the conference report appropriates $2.35 billion from the Federal Aviation Administration's Airport and Airway Trust Fund. These funds may be used for the procurement and installation of new equipment, like radar and communication systems, air traffic control centers, and airport control towers.

The agreement also authorizes the release of up to $1.8 billion from the Airport and Airway Trust Fund for grants for airport planning, construction, and development. Both these provisions will aid with the modernization program now underway at Standiford Field Airport in Louisville, in my congressional district.

Finally, the agreement provides $496 million for Amtrak for operating assistance and capital grants. It also provides for the release of $5 million from the Highway Trust Fund for high speed rail research development.

Both these provisions are important because they assist ongoing efforts in communities like mine where the Louisville rail task has organized to encourage local and State efforts to establish intra-city as well as inter-city rail travel. It aids and assists effort involving both regular and light rail.

Again, the conference report on transportation appropriations for fiscal year 1993 is an excellent bill. I shall vote for it proudly.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank my colleagues for the kind remarks they have made and say what a rare honor it has been to serve in this House of Representatives, to serve on the Committee on Appropriations, and to serve on this subcommittee.

Mr Speaker, there is not a single member of the Committee on Appropriations or of this subcommittee whom I do not admire and respect with all of my heart. I say that without reservation and on both sides of the aisle. There is not a single member of the Committee on Appropriations or this subcommittee that I am not proud to call a friend and that I would not be proud to call a friend and that I would not be proud to serve with in any body, at any time, under any circumstance.

Mr. Speaker, I thank them for the privilege that I have had to work with them in this body.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1350

Mr. LEHMAN of Florida. Mr. Speaker, I just wanted to say to my friend from Pennsylvania, that was a very eloquent statement, coming from a Marine Corps veteran. He knows what pride means. He set a standard that we have all had to live up to.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I first want to express my great personal affection for the gentleman from Florida [Mr. LEHMAN] and acknowledge the wonderful friendship that we have had over the past 10 years. It has been my privilege to share his name, and I will miss not getting the Miami Herald in my office in the morning and miss all those wonderful letters from constituents that I thought were addressed to me but on closer examination were addressed to him. I thank the gentleman very much for his friendship and the gentleman from Pennsylvania [Mr. COUGHLIN] as well, who I got to know through the gentleman from Florida [Mr. LEHMAN] and have great respect for.

Mr. Speaker, I rise before my colleagues today to engage in a colloquy with you regarding legislative language that is included in the transportation appropriations conference report. First, I would like to thank you, Mr. Chairman, for all of your assistance in securing language that will dramatically benefit my congressional district's transportation infrastructure.

Mr. Chairman, as you know, you included language in your transportation appropriations report that will do a great deal to speed up a highway project in my district. Improving a section of Highway 41 is critical to reducing congestion, improving safety, and creating jobs in the area.

In addition, you included language that will keep open the door for Federal assistance for a major rail consolidation project in downtown Fresno.

Language for Highway 41 was also included in the Senate appropriations measure.

Is it my understanding Mr. Chairman, that if language is included in ei-

ther the House or Senate transportation measure, that they automatically are included in the final appropriations conference report—assuming they are not taken out in the conference?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, that is correct.

Mr. LEHMAN of California. Mr. Speaker, I am pleased to hear this. Mr. Chairman, I want to thank you and your staff for assisting me with this transportation language. In addition, Mr. Chairman, I want to commend you for your many years of hard work in this body. I wish you the best. You will be missed.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT], dean of the Florida delegation.

Mr. BENNETT. Mr. Speaker, I would like to have a colloquy at this point, which is important to my district, but I cannot pass up the opportunity to praise the gentleman from Florida [Mr. LEHMAN], chairman of this committee, because nobody in the history of Florida has brought more distinction to Congress than he. His character, his perseverance, his dedication to his country and his constituents has been outstanding.

Earlier this year I introduced legislation—H.R. 4119—to authorize the Secretary of Transportation to carry out a highway construction project to replace the Fuller Warren Bridge in Jacksonville, FL.

The Fuller Warren Bridge was constructed in the early 1950's as a part of the Jacksonville Expressway system. A steel double-leaf bascule draw bridge, the Fuller Warren in one of only a few draw bridges on the Interstate System in the United States. The bridge now carries double the number of passengers for which it was originally designed—approximately 97,000 vehicles use the bridge each day.

Compounding the traffic congestion problems the need for the bridge to periodically one to allow the waterborne traffic to traverse that area of the St. John's River. Extremely high maintenance costs are associated with the operation of the draw bridge.

The city of Jacksonville and the State of Florida plan to replace the Fuller Warren with an 8-lane high-level structure. The project would include an improved approach roadway on both ends beginning at the I-10/I-95 interchange and extending across the bridge to the San Marco Street overpass where it would connect to a recently reconstructed section of Interstate I-95.

Efficient movement of traffic over the Fuller Warren is not only important to the citizens of Jacksonville, but is absolutely essential for vehicles engaged in interstate commerce. As the bridge is a continuation of I-95, it acts as the gateway to central and south Florida. The replacement of the Fuller Warren will help meet private and commercial transportation needs nationwide.

To enable an early acquisition of right-of-way for this vital piece of infrastructure, I would recommend that the Secretary of Transportation release $5 million from the fiscal year 1993 revolving loan right-of-way fund.

Could the gentleman respond to this?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, on behalf of the Appropriations Committee, I join Congressman BENNETT in urging the Secretary to provide funds from the revolving right-of-way account in fiscal year 1993 in the amount needed to acquire the right-of-way for the Fuller Warren project.

I have previously discussed this important project with Congressman BENNETT and local officials in Jacksonville and agree that release of revolving-loan funds would be warranted and I strongly recommend that the Secretary give priority consideration to this project.

I want to assure my friend from Jacksonville that I will do all I can. When the newspapers called me this morning about the gentleman and asked me what my opinion of him was, I said he was "Mr. Integrity. We will miss him."

Mr. BENNETT. Mr. Speaker, I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I rise in strong support of the legislation and want to join my colleagues in lauding the extraordinary public service of the gentleman from Florida [Mr. LEHMAN] and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], who have been models of public service for many years. And it is good at a time like this, when so much focus is on examples that are lesser, that we single out those who are something we can tell our children they might aspire to.

Mr. Speaker, I particularly appreciate that this legislation is so critical to our economy and especially at a time like this. And it is certainly a piece of legislation that builds for the future strength of our economy. Those of us from the Hoosier delegation particularly appreciate some of the strong support we got in the bill this year, but I wanted to also single out a provision that the gentleman from Michigan [Mr. CARR] was working on in the auto content labeling legislation that I and others have been involved in and really appreciate the fact that that is going to come to fruition here, because that is going to give consumers in America an opportunity to know what has gone into the automobile that they are buying. That is one of the most important consumer purchases we make. It is a lot of money. We do not tell consumers what they have to do, but a lot of those consumers would like to know that they are spending their money in a way that is going to help produce jobs in the communities where they live.

The goal here is to get more accurate information to the consumers so that they can know what is involved. And the gentleman from Michigan [Mr. CARR] has been a mighty leader on this. And from the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentlewoman from Michigan [Mrs. COLLINS] assisted to help craft this final proposal.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding to me.

The RECORD really needs to show that in the House of Representatives, auto content labeling really initiated with the gentleman and legislation which he introduced and which was part of a hearing which was held in the committee on which the gentleman serves. So we were merely glad to be able to be of assistance at a crucial time, but the gentleman deserves most of the credit.

Mr. SHARP. Mr. Speaker, the gentleman is kind, but it did not happen without the gentleman and the gentleman from Florida [Mr. LEHMAN] and others being willing to move forward on this. I certainly appreciate that.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON], a member of the full Committee on Appropriations and chairman of the Subcommittee on the District of Columbia.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise on behalf of myself and the gentleman from California [Mr. ROYBAL], who will also be leaving this House, to thank the chairman and the ranking member for their interest in developing a rapid transit system in Los Angeles County. We took a long time to get our act together, but I can say without any reservation that the citizens of Los Angeles and particularly the mayor appreciate the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from Florida [Mr. LEHMAN] for their special interest in making sure that in the year 2000 that we will have a rapid transit system that provides jobs and communication for a multicultural and ethnic community.

Thank your very much, BILL, and thank you very much, LARRY.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to my dear friend and my old tennis buddy, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman for yielding time to me. I am glad that he has a long recollection of remembering when I could play tennis, but speaking not only as the dean of the 45-member California delegation but speaking for myself also, I just want to say that it is not a happy day for us when we have to say goodbye to the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from California [Mr. LEHMAN].

□ 1400

California has particularly pressing needs. California, an enormous State, has received and welcomed the bulk of the refugees and the bulk of the immigrants, which put huge strains on the transportation system, and the fact that we are moving ahead with transit, both in the San Francisco Bay area with BART and in my hometown of San Jose, with alight rail system, is an indication that we have always been able to go to the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and talk to them about our special problems, and to receive such courteous and kindly attention, understanding our unique problems and doing the best within the rules, in consideration of all the others, to help us.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague, the gentleman from California, yielding to me.

The gentleman's talking about his responsibility leading the California delegation caused me to recall the fact that the first time I ever registered to vote was when I was in northern California, still a student, and it was to vote for BART. It brings to mind the reality that this subcommittee has been of great help to our transportation difficulties in California for many years.

Mr. COUGHLIN. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I must say that serving on the Committee on Appropriations with these two gentlemen has been a real inspiration for me, because of their dynamic leadership in the transportation.

In southern California, the difficulty of moving along our roadways just could not be underestimated by anybody who has spent 5 minutes there. So the contributions to California of my chairman and especially my hallmate in the Rayburn Building, LARRY COUGHLIN, have been much appreciated.

Mr. Speaker, I am happy to yield the balance of my time to my colleague, the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for his contribution. Very few of us are going to be able to leave this world or leave this work and look back and say that we made a significant contribution to the well-being of our fellow citizens. Certainly the two gentlemen to whom we say goodbye today can make that claim, and all of use here can certify to it.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wanted to come to the floor today for a couple of reasons. No. 1 was to join the chorus and congratulate the gentleman from Florida [Mr. LEHMAN], the chairman, and also my friend, my good friend LARRY COUGHLIN, the gentleman from Pennsylvania, for the work they have done, and in particular Mr. COUGHLIN, who has worked with me on several things and personally been involved with trying to help some of the severe problems that Pittsburgh has in the area of transportation infrastructure.

Today is actually a momentous day for the city of Pittsburgh and all of us in southwestern Pennsylvania, southeastern Ohio, and north West Virginia. The Pittsburgh International Airport new terminal opened today and received its first flight this morning from Seattle, and it is a magnificent facility that is one of the largest airports in the United States, one of the obviously most modern airports, something we are very, very proud of in our area, and something that these two gentleman had a lot to do with in seeing that it was completed.

I find it just a coincidence that on a day of such momentous pride for those of us in southwestern Pennsylvania, that this bill would be here. I just wanted to mark the occasion by, again, thanking LARRY and LEHMAN for their help in making that dream that we have had for so long in our area a reality.

I look forward to seeing them out there in Pittsburgh to join us in some good times in the future, coming through our airport.

Mr. LEHMAN of Florida. Mr. Speaker, I yield my 1 remaining minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, my remarks are in the context of saying thank you to the gentleman from Pennsylvania [Mr. COUGHLIN], a great public servant, and particularly Chairman LEHMAN. BILL LEHMAN is not a household word in this country, but every American out there has been affected by something he has done.

BILL LEHMAN is in charge in this country of a $36 billion budget. BILL LEHMAN has affected planes, trains, automobiles, roads, mass transit, Coast Guard; of all of those words that I just said, BILL LEHMAN is probably the godfather, and every American is benefiting from the outstanding work that he has done.

To Tom Kingfield and Lucy Hand and his very able staff, as a Member of Congress from the West, a rural area, we thank him also, but every American in the major cities and the small, rural areas owe a debt of gratitude to the work of BILL LEHMAN.

As a Member of Congress who he very generously treated, I say thank you and goodbye. He will be remembered by many of us very fondly.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to say something today myself about the departure of the gentleman from Florida [Mr. LEHMAN] and his transportation bill. He has done yeoman's work as a colleague from the State of Florida, and BILL, we are proud of you. We are proud of what you have done being chairman. We are going to miss you in many, many ways, as several of our colleagues have said today. You have been at the forefront of some very innovative things with regard to transportation in this country, and I think that as the year 2000 comes and the next century comes, a lot of those things that your leadership has provided are going to bear fruit in the infrastructure of this country.

A lot of the partnerships between private enterprise and our governments locally are things that you can be proud of looking back on and saying, I was there, I helped do that, or I actually started that, in many cases, which you did.

We have a very small thing in my city of Orlando that is involved in this bill, Project Oscar, which is our streetcar program for circulating streetcars. No long-term subsidy is involved in it for the Federal Government. It is a 50-percent match to get it started and get it going, but it is the type of thing that matched up with our parking facilities on the outskirts of the city and will provide us with an entirely different look in downtown Orlando in the urban area.

We have already had compliments from some of the gentleman's colleagues which I have heard about today, about the rural areas, the airports, the airplanes, and the other modes of transportation. We do want to tip our hat to you today. Florida is proud of you, our delegation is, and we are going to miss you. Thank you, BILL.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from

Florida [Mr. LEHMAN] has 1 minute remaining.

Mr. LEHMAN. Mr. Speaker, before I yield back the balance of my time, I want to say that I am truly overwhelmed by all the remarks made on behalf of myself and my colleague, the gentleman from Pennsylvania [Mr. COUGHLIN], but we could not have done what we have done without the highly supportive efforts of our colleagues.

These Members have been just superb in every way, and I want to express my gratitude for all they have done to help us do the job we had to do.

At this time I also want to express my appreciation to our staff, Tom, Rich, Linda, Zee and Lucy; Lorraine and John of the minority staff; and also Fred Mohrman and the staff of the front office. They have been so supportive in helping us do what we had to do.

Mr. HOPKINS. Mr. Speaker, I rise today to express my grave concerns regarding the automobile labeling provision in H.R. 5518. The provision is ostensibly designed to provide consumers with additional information with which to make an informed purchasing decision. But in reality this label will mislead consumers as to the extent of American value in a vehicle and create yet another unnecessary and costly bureaucratic scheme.

Because of its arbitrary and complex rules for measuring domestic content, the bill treats a great deal of the work of hundreds of Americans as foreign. By treating the work of some American workers different from the work of others, the bill, in essence, creates classes of workers—a highly discriminatory action and one which, if this provision had been thoughtfully considered would undoubtedly not have survived the conference. The end result will be a label on the vehicle which will hopelessly mislead consumers as to the true American value included in the vehicle.

This provision is a perfect example of bureaucracy run amok. Is it fiscally responsible for our Government to have yet a third governmental agency calculate domestic content? The EPA calculates it for CAFE purposes and the Treasury Department calculates it yet a second way under the United States-Canada Free-Trade Agreement. So, are we to tell the taxpayer that we need yet a third agency to calculate it under yet another way! Remember the taxpayer gets hit twice: first, the taxpayer pays for the Government to administer this legislation and then pays again, in the form of higher car prices that will be inevitable as manufacturers establish elaborate systems to track domestic content under this third, extremely complicated method.

Again, Mr. Speaker, the expressed original intent of the labeling provision has fallen by the wayside. Rather than provide the consumer with additional meaningful information when making a purchasing decision, this label will mislead consumers. It is feel good legislation that is technically flawed and that will increase the financial burden to automakers which will be passed on to consumers.

Every lawmaker who supports this senseless provision should have to explain to their constituents why they voted to increase the cost of their next car.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report and want to take this opportunity to express my deep appreciation to Chairman LEHMAN and the ranking minority member of the subcommittee, LARRY COUGHLIN, for producing an outstanding bill. The subcommittee staff is also to be commended for the hard work and long hours they put into the formulation of this legislation.

As my colleagues know, BILL LEHMAN and LARRY COUGHLIN will be retiring after this Congress. I just want to take this opportunity to say that it has been an honor and a privilege to serve with BILL and LARRY. They both epitomize the best characteristics of public service. They are compassionate, understanding and pragmatic. Their leadership will be missed by us all.

Mr. Speaker, this conference report meets every requirement that the President has requested of the Appropriations Committee. We are within the overall funding level requested by the President for transportation programs. Though, many of us on the Appropriations Committee believe that we must strive to invest more in the public infrastructure if we stand a chance of catching up on our neglected highways, bridges, and mass transit systems.

Mr. Speaker, I would also like to take a moment to highlight particular aspects of the conference report which have a direct impact on my district.

RED BLUFF FLIGHT SERVICE STATION

The conference agreement includes a legislative provision which prohibits any change in the current status of the flight service stations at the Red Bluff Airport, CA; Tri-City Airport, TN; and Bert Mooney Airport, MT. This provision is critical to maintaining the Red Bluff Airport as a viable facility which can continue to contribute to the local economy. I am greatly pleased by the conferees support of this issue which is of great importance to the Red Bluff business community and Tehama County generally.

AUTOMATED WEATHER OBSERVING SYSTEM

The House has also provided $4 million to enable the FAA to exercise its existing option to purchase additional automated weather observing systems [AWOS]. This provision is important in providing towerless airfields and smaller unprotected airports with weather information. More importantly, the AWOS system is available today and, thus, can meet the immediate needs of literally thousands of airports.

This funding has important implications for Qualimetrics, Inc., located in Sacramento, which produces the AWOS system. Over 100 employees will retain their jobs in this difficult economic climate because of the committees recognition of the importance of AWOS systems to aviation safety.

YUBA CITY BRIDGE

Also important to my new district is the earmark of $4 million under the right-of-way revolving fund for the Yuba City bridge contained in the House bill. This no-interest loan money will enable the Yuba City bridge project to move forward immediately, thereby reducing costs of land acquisition and preventing further delay in the project.

SACRAMENTO REGIONAL TRANSIT DISTRICT

Finally the conference report includes funding for two projects for the Sacramento Regional Transit District [RT]. First, $1 million is provided to conduct an alternatives analysis of a proposed 18-mile south extension of the light rail system. Second, $7 million is provided for an innovative electric trolley bus demonstration project with the Sacramento Municipal Utility District [SMUD]. Both of these initiatives will enable RT to provide expanded transit services to the local community in an environmentally compatible way.

In closing, Mr. Speaker, I want to express my thanks to the committee for their fine work and urge my colleagues to support this conference report.

Mr. PAYNE of Virginia. Mr. Speaker, I rise reluctantly in support of the conference report on Department of Transportation appropriations for 1993. My reluctance, Mr. Speaker, stems from my disappointment that this bill does not go far enough to address the infrastructure needs of our Nation.

Last November, when Congress passed the Intermodal Surface Transportation Efficiency Act, now know as ISTEA, I was optimistic that we had finally taken the initiative on an ambitious program for our future, and our ability to sustain economic growth and job creation.

The Public Works and Transportation Committee and the Subcommittee on Surface Transportation spent over 2 years holding hearings and investigating the status of our country's infrastructure.

These hearings uncovered a pattern of deterioration and neglect of our infrastructure needs. These investments in our future have become the orphan child of the budgeting process, receiving proportionally less funding as our fiscal situation has become more severe.

Our annual Federal transportation investment has plunged from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent in the 1980's. This makes our investment in infrastructure a smaller percentage of GNP than any other industrialized nation in the world.

Passage of ISTEA was intended to put us back on the right track. For the first time, we embraced as a national goal the development of a national intermodal transportation system designed to move people and goods in an energy-efficient manner. ISTEA created a transportation and an economic blueprint for the future, and is designed to substantially improve our competitiveness in the world economy.

Investing in infrastructure provides returns to our economy far greater than any other expenditure of Federal dollars. For every $1 invested in transportation infrastructure $10 is returned to the economy.

In addition, programs authorized in ISTEA pay for themselves. Congress extended the 2½-cent-per-gallon gas tax to keep revenues

flowing into the highway trust fund, and to keep it self-financing. At the same time, the bill included a funding program that was designed to draw down the fund from its surplus of over $11 billion to about $2.5 billion, the amount needed to keep the fund solvent.

Yet we have before us today an appropriations bill that not only fails to meet the funding targets authorized in ISTEA, but barely keeps pace with last year's funding levels. I understand the reasons for this result, but still find myself deeply disappointed with it.

I intend to continue working for increased funding for these essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward programs such as these, that will help long-term economic recovery and real economic growth.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 5518, the fiscal year 1993 Transportation appropriations bill.

I feel like a kid at a picnic, after he is told that the ants got to the chocolate cake before he did. The only solace the kid has is that he has at least been fed well enough before dessert was due to sustain him until his next meal. In this case, we will struggle through fiscal year 1993 with below-expectation funding levels for highways, and hope for better times in fiscal year 1994.

In my view, the chocolate icing on the cake so to speak was to have been job creation, as well as highway repair, reconstruction, and rehabilitation, along with some new construction of roads, bridges, and support for transit services. Under ISTEA, we had provided that for every $1 billion spent, we would create an estimated 48,000 new jobs. That was the icing on the cake.

While this bill does not come up to what we had hoped for in fiscal year 1993, the $18 billion contained in the bill will provide a new infusion of funding for vital infrastructure needs at a time when we were faced with severe budgetary constraints, and it still creates hundreds of thousands of jobs.

I applaud my chairman, Mr. LEHMAN, for the awesome strength he showed when he stood firm against placing minimum allocations and demonstration projects under the obligation ceilings, instead of keeping with the historical practice of exempting such projects. Thank you, Mr. Chairman, for doing best what you have been doing for transportation throughout your distinguished career as chairman of the appropriations subcommittee. We will miss having your expertise, your dedication and your strength, and I wish you well as you take your leave of this body which you have so ably served. May God bless and keep you.

The highway reauthorization bill was intended to be two-pronged. First to rebuild America's crumbling transportation infrastructure and secondly, we made no bones about it, to create jobs. We called for and got a new Nickel for America—highway user fees, for our use in achieving the two goals described above—highway rebuilding and job creation.

Part of the compromise on getting a new Nickel for America was that we would share the new nickel, 50–50, between highway needs and deficit reduction. We have done that for 2 years now.

Many of my constituents write to me and ask that I work hard to reduce the deficit. And I respond that if we work together, the deficit will be reduced over time. And when I say to them that they too are contributing to deficit reduction, I mean through their contributions at the gas pump.

How much have they contributed to deficit reduction so far? I want to report, here and now, that the American people have themselves helped reduce the deficit by more than $6 billion over the past 2 years, just by buying gasoline at their local service stations.

My father raised me to look at the cup and see it as half-full, instead of half-empty, when a whole cup was out of my reach. So I will dwell for a moment on what is good about the fiscal year 1993 transportation appropriations bill.

This bill, while it does not provide as much as we had hoped for, for highways in the coming year, is a cup half-full, and well-worth having.

We could have had another $2.6 billion over 5 years, had we been able to use $400 million in funds shifted from foreign aid. But we did not get to hang on to the $400 million in this bill.

There go a potential 120,000 jobs.

But still the bill does contain a total of $13.2 billion from direct appropriations, $20.2 billion from the highway trust fund, and $2.6 billion in exempt obligations, for a total of $36 billion for transportation in fiscal year 1993, with a total of $18 billion of that amount available for highway needs.

Again, I want to commend Chairman LEHMAN for his efforts and those of his colleagues on the subcommittee for bringing this urgently needed appropriations bill to the House for final approval.

The bill contains much that is of vital importance to West Virginia, and to my congressional district.

For example, one is essential air services, or EAS. EAS is funded at $39 million in fiscal year 1993, to subsidize airline services to small communities, which will benefit our State, and the bill also provides for general and aviation trust fund spending for airport improvement programs, [AIP], and contains adequate support for Amtrak.

For transit, while I am deeply alarmed by the level-spending provided in this bill for fiscal year 1993 for our Federal transit programs, for fear that it sends the wrong message about our concern for transit, I will just say that I hope for necessary increases in the coming years. I worked hard, and I succeeded, in getting the allocation set-asides for rural and small urban areas increased for transit purposes under title III, only to end up with no commensurate increase in funding for these purposes. Again, we will hope for better opportunities for increased transit funding in fiscal year 1994, and I for one intend to work very hard to achieve that increase.

Even with reduced expectations for funding in the coming fiscal year, the bill will still create hundreds of thousands of jobs, and will launch our collective effort to rebuild America.

That is one of the goals we started out to accomplish—and it is a modest beginning. Still I will hope for more in fiscal year 1994, and take this half-full cup for today, for transportation's infrastructure needs.

I strongly support this bill, and hope that it do pass.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report on transportation appropriations for fiscal year 1993.

Mr. Speaker, this Member would like to begin by thanking the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Pennsylvania [Mr. COUGHLIN] who serves as ranking member of the subcommittee for their diligent and very effective work on this legislation. This Member is very grateful for the support they have shown to the Member and to Nebraska over the years, and also for their overall efforts to improve the country's infrastructure. Their actions and leaderships have certainly made a positive difference in Congress and in this country. Their tireless dedication will be greatly missed since they have chosen not to seek reelection.

This Member would also like to express his appreciation to the Junior Senator from New Jersey [Mr. LAUTENBERG] and the Junior Senator from New York [Mr. D'AMATO] who serves as the chair and ranking minority member of the Transportation Appropriations Subcommittee in the other body, and the other members involved in developing this conference report.

This conference report strikes an appropriate balance between serious concerns about the Federal deficit and the country's transportation needs. The report also reflects an emphasis on the overall needs of the Nation as well as addressing local and regional transportation issues and projects.

Specifically, this Member would like to thank the conference committee for recognizing and proposing and acting upon the long-term need for a bridge between Newcastle, NE, area and Vermillion, SD. For six decades, the prospects of constructing a bridge in the Newcastle-Vermillion area has enjoyed widespread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bi-State consensus is possible because the benefits resulting from the bridge's construction are so clear. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota and Wayne, NE, the site of Wayne State College have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on behalf of this bridge project. The completion of this bridge will play an important role in facilitating an interdependence between communities in Nebraska and South Dakota and Mr. JOHNSON deserves recognition for the important role he has played in working closely with this member to bring this bridge closer to reality. It has been a pleasure to continue the close and good cooperation on this and other bi-State projects and issues. With this first constructive appropriation, this bridge will now become a reality.

Mr. Speaker, in conclusion, this Member urges strong support for this conference report and urges his colleagues to approve it.

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the conference report on H.R. 5518, the Transportation Appropriations bill for fiscal year 1993. Of particular interest to me and the State of New York is the bill's $5 million in obligation authority from the highway trust fund for the high speed ground transportation technology demonstration program authorized under the Intermodal Surface Transportation Act of 1991.

This demonstration program represents one of the best opportunities for development of high-speed rail in the near term. I truly believe that the time has come to get serious in this country about new technology passenger rail service.

The United States is falling farther and farther behind both Western Europe and Japan in this area, as both of these economic competitors with the United States currently have highly modernized high speed train systems in use, as well as plans for even more advanced development in the near future. This comes at a time when urban freeway delay in the United States has been projected to increase by as much as 400 percent by the year 2005. As opposed to building an ever-increasing number of additional traffic lanes to our highways, which only puts off a final solution to the problem, high speed rail could provide an immediate and substantial decrease in highway and airport congestion, as well as offer commuters a meaningful choice between auto trips that are too long and airline flights that are wastefully short.

The building of new high speed rail lines would also be a tremendous boost to participating industries, such as engineering firms and subcontractors directly involved in their construction, as well as to local economies that would immensely benefit from multiplier effects. Many technologically-based jobs could be realized with the reassignment of former defense industry workers to the development of high speed rail systems, with thousands of additional jobs being created from the operation and maintenance of new rail lines.

For these reasons, I recently hosted a "High Speed Rail Forum" at the Rochester Institute of Technology in Rochester, NY. This event was sponsored by the Northeast-Midwest Congressional coalition and drew rail development experts from Washington, Albany, the Northeast and Midwest sectors of the country, and Canada. The forum highlighted the probable benefits of high speed rail to New York State, as well as the broad base of business, labor, consumer, and environmental-related support that new technology rail development enjoys. At my request, the Northeast-Midwest Coalition also released a report entitled "High-Speed Passenger Ground Transportation: An Analysis," which outlines the prospects for high-speed rail and the economic benefits of such development in the Northeast and Midwest.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5488, the bill which makes appropriations for the Department of the Treasury, the U.S. Postal Service, and general government for fiscal year 1993.

Over and beyond its financial support of key, critical government programs, H.R. 5488 this year contains a number of provisions that positively impact the delivery of programs and services by the agencies it funds. For example, it includes a provision that directs the Internal Revenue Service [IRS] to implement a training program to ensure that IRS employees are trained in taxpayers' rights, in dealing courteously with taxpayers and in cross-cultural relations.

In its provisions concerning the Postal Service, H.R. 5488 insures that rural mail delivery is continued, and prohibits the use of funds to close or consolidate small, rural post offices. It also prohibits any Federal department or agency from spending any Federal funds unless it has in place, and continues to administer in good faith, a written policy that ensures that all its workplaces are drug-free.

H.R. 5488 also contains a provision that alters a little-known function of the Bureau of Alcohol, Tobacco and Firearms [BATF]. Although most of us do not realize it, under current law, certain persons may not lawfully possess, receive, ship or transport firearms. These include persons who have been convicted of a crime punishable by over a year in jail and persons committed to mental institutions or judged mentally incompetent. But, under current law, the BATF may lift this prohibition if it determines that one of these people will not be likely to act in a manner dangerous to public safety and that the lifting of this prohibition will not be contrary to the public interest. However, H.R. 5488 prohibits the use of funds to investigate and act upon such applications.

In closing, Mr. Speaker, I would like to take advantage of this opportunity to once again acknowledge the contribution of Chairman ROYBAL, who has announced his retirement, effective at the end of this session of Congress. The chairman, as well as the members and staff of the Subcommittee on Treasury, Postal Service and General Government, is to be commended for his efforts in bringing this bill before us today. Over and beyond this bill, however, during the three decades that the chairman has served here in Congress, his presence has enhanced both this institution and the State of California. Mr. Chairman, your presence and influence will be sorely missed.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all motions, except on amendment No. 233 as printed in the joint statement, be considered as read when read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule and to the order of the House of today, the amendments in disagreement and the motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The clerk will designate the amendments.

(The texts of the various Senate amendments referred to in the unanimous consent request are as follows:)

Senate amendment No. 12: Page 4, line 24, after "expended" insert: "*Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services".

Senate amendment No. 41: Page 11, line 18, after "standards" insert: "*Provided further*, That none of the funds provided shall be made available for pay raises in fiscal year 1993 for FAA employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, or responsibility for preparing, managing, or overseeing the environmental impact statement mandated by section 9119 of Public Law 101-508 until the final report on such impact statement is issued".

Senate amendment No. 42: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds provided, up to $50,000 shall be made available to the New Jersey Coalition Against Aircraft Noise for the provision of technical assistance, in accordance with the provisions of title 5, United States Code, in reviewing and assessing the draft environmental impact".

Senate amendment No. 43: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds available under this heading, $500,000 shall be made available to the Cleveland Clinic Foundation to initiate a definitive study to evaluate the human factors related to and/or inherent in pilot error. This study will be carried out in conjunction with Ohio State University".

Senate amendment No. 48: Page 13, line 10, after "standards" insert: "*Provided further*, That such Federal share shall be considered as having taken effect on October 1, 1991".

Senate amendment No. 53: Page 16, line 8, after "operation," insert: "including motor carrier safety program operations,".

Senate amendment No. 94: Page 28, after line 15, insert:

"LOCAL RAIL FREIGHT ASSISTANCE

"For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $8,000,000, to remain available until expended."

Senate amendment No. 102: Page 29, after line 12, insert:

"NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

"For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $204,100,000."

Senate amendment No. 107: Page 32, after line 16, after "sales" insert: ": *Provided further*, That to enable the Secretary of Transportation to pay obligations and liabilities of the Columbus and Greenville Railway under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 resulting from the waiver of obligations and liabilities as authorized by section 349 of this Act, $411,578".

Senate amendment No. 121: Page 35, line 19, after "purposes" insert: ": *Provided further*, That of the funds made available to carry out the national program under section 26(b) of the Federal Transit Act, not less than $900,000 shall be made available to reimburse the City of New York for funds granted for planning activities related to the proposed 42nd Street trolley.".

Senate amendment No. 150: Page 39, after line 8, insert: "not less than $3,000,000 for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project; and".

Senate amendment No. 159: Page 41, after line 15, insert:

"RESEARCH AND TECHNOLOGY

"For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,470,000, of which $350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination."

Senate amendment No. 173: Page 50, after line 19, after "102-240" insert: ", and $200,000 for the Commission to Promote Investment in America's infrastructure authorized by section 1081 of Public Law 102-240."

Senate amendment No. 229: Page 73, after line 16, insert:

SEC. 417. FEDERAL SHARE.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note) is amended—

(1) by striking "and" before "(2)";

(2) by striking the period at the end and inserting a comma; and

(3) by adding at the end the following: "and (3) the Federal share established by section 120(k) of such title, as in effect on the day before the date of enactment of this Act, with respect to section 143 of title 23.".

Senate amendment No. 231: Page 73, after line 16, insert:

SEC. 504. LOS ANGELES METRO RAIL.

(a) REPLACEMENT OF GRANTEES.—Effective on the date of enactment of this Act, the Los Angeles County Transportation Commission (hereinafter in this section referred to as the "Commission") shall replace the Southern California Rapid Transit District (hereinafter in this section referred to as the "SCRTD") as the Federal grantee for the Minimum Operable Segment One (hereinafter in this section referred to as "MOS-1") of the Los Angeles Metro Rail project. The MOS-1 Full Funding Grant Agreement dated August 27, 1986, and all other MOS-1 grant documents required under Federal law, shall be deemed to be amended, effective on the date of enactment of this Act, to designate the Commission as MOS-1 grantee; and all rights and obligations as MOS-1 grantee shall be transferred to the Commission on that date in accordance with the Memorandum of Understanding for the Transfer of MOS-1 Project, entered into by and between the Commission and SCRTD on June 24, 1992. No action by the Secretary of Transportation or other administrative action shall be required in order for the Commission to proceed to act in its capacity as MOS-1 grantee pursuant to this section.

(b) OBLIGATIONS OF COMMISSION.—Upon becoming the MOS-1 grantee under this section, the Commission shall be responsible for completion of the MOS-1 Project in accordance with the terms and conditions of the MOS-1 Full Funding Grant Agreement and other applicable grant agreements and in compliance with all applicable Federal laws and regulations. In addition, the Commission shall remain responsible for all MOS-1 obligations arising prior to the date of enactment of this Act, in accordance with the Commission's Guarantee of Performance to the United States dated April 3, 1990.

(c) AVAILABILITY OF FUNDS.—All funds previously obligated to SCRTD under section 3 and section 9 of the Federal Transit Act, and unexpended on the date of enactment of this Act, shall be transferred to the Commission on such date and shall be available to the Commission to pay costs associated with the completion of MOS-1. Notwithstanding any other provision of law, neither the replacement of grantees under subsection (a) nor the transfer of funds under this subsection shall be considered to be a change in project scope or otherwise result in the deobligation of prior year funds, and all funds transferred to the Commission under this subsection shall be charged to the original appropriation and shall remain available until expended.

(d) DEFINITION.—For purposes of this section:

(1) the terms "Los Angeles County Transportation Commission" and "Commission" shall include any successor to the Commission that is established by or pursuant to State law; and

(2) the terms "Southern California Rapid Transit District" and "SCRTD" shall include any successor to SCRTD that is established by or pursuant to State law.

(e) Of the funds made available for the Los Angeles Metro Rail project, 45.45 per centum shall be for Minimum Operable Segment-2 and 54.55 per centum shall be for Minimum Operable Segment-3 of Metro Rail. Of the amounts for Minimum Operable Segment-3, an equal one-third share shall be provided for each of the three lines described in section 3034(i)(3) of the Intermodal Surface Transportation Efficiency Act.

Senate amendment No. 232: Page 73, after line 16, insert:

SEC. 505. SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.

Section 3035(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in the second sentence all after "one-time" and inserting in lieu thereof the following: "purchase of additional trackage rights and/or purchase of right-of-way between the existing termini in San Jose and Gilroy, California. In connection with the purchase of such additional trackage rights and/or purchase of right-of-way, the Secretary shall either approve a finding of no significant impact, or approve a final environmental impact statement and issue a record of decision no later than July 1, 1994. No later than August 1, 1994, the Secretary shall negotiate and sign a grant agreement with the Santa Clara County Transit District which includes the funds made available under this section for the purchase of additional trackage rights and/or purchase of right-of-way.'."

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. LEHMAN moves that the House recede from its disagreements to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1410

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 195: Page 73, after line 16, insert:

SEC. 333. Public Law 98-63, 97 Stat. 329, is amended as follows:

"(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from, the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative is completed, whichever occurs first.

"(4) Notwithstanding any other provision of law, procedural or substantive, 100 per

centum Federal highway trust funds moneys are hereby allocated as part of the State's allocation, and are immediately available for obligation to the State of New Jersey for the construction of the I-287 bypass and the construction of high occupancy lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative, such appropriation as may be made available by Congress from general appropriations to cover 100 per centum of the cost of the I-287 bypass or the alternative route: Provided, That such appropriation shall not exceed New Jersey's apportionment using the apportionment factor contained in revised table 5 of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.".

Senate amendment No. 197: Page 73, after line 16, insert:

"SEC. 335. The Federal Highway Administration (FHWA) shall execute an agreement with the State of Virginia (regarding Federal Aid Project-Q-RS 1046(101) re. Fairfax County, Virginia) pursuant to which loan repayment can be concluded by September 30, 1997."

Senate amendment No. 199: Page 73, after line 16, insert:

"SEC. 337. None of the funds made available in this Act or in any other Act making funds available to the Federal Transit Administration, shall be used to withhold funds for any section 3 or section 9 operating or capital grants for the city of Phoenix, Arizona based on the inclusion of a "preference in hiring" provision in the employees protective arrangement developed pursuant to 49 U.S.C. 1609(c) and the Federal Transit Administration shall within 30 days of enactment of this provision award any such pending grant application: Provided That the Secretary of Labor has certified that fair and equitable arrangements have been adopted for the protection of employees."

Senate amendment No. 200: Page 73, after line 16, insert:

"SEC. 338. For fiscal years 1992 and 1993, funds provided under section 18 of the Federal Transit Act shall be exempt from requirements for any non-Federal share, in the same manner as specified in section 1054 of Public Law 102-240."

Senate amendment No. 201: Page 73, after line 16, insert:

"SEC. 339. Notwithstanding any other provision of law or other requirement, the city of Indianapolis, Indiana is authorized to retain any funds not used under the authority of Facility Grant IN-03-0057 and IN-23-9001 and to use such funds in accordance with the requirements of section 9 of the Federal Transit Act of 1964 as amended."

Senate amendment No. 202: Page 73, after line 16, insert:

"SEC. 340. Notwithstanding any other provision of law limiting appropriations for the Westside Light Rail Project in Portland, Oregon, funds provided for the Westside Light Rail Project, may be expended, pursuant to section 3(a)(1)(c) of the Federal Transit Act of 1964, as amended, for the development and acquisition of low floor light rail vehicles, and the incremental costs associated with the introduction of the vehicles and facilities modifications on the current alignment."

Senate amendment No. 204: Page 73, after line 16, insert:

SEC. 342. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.—Section 108 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "of the Federal-aid highway systems, including the Interstate System," and inserting "Federal-aid highway";

(2) in subsection (a) by striking "for expenditure on any of the Federal-aid highway systems, including the Interstate System," and inserting "which may be expended on such highway";

(3) in subsection (c)(2) by inserting "and passenger transit facilities" after "highways";

(4) in subsection (c)(3) by striking "highway" in the first sentence, and the first place it appears in the second sentence and inserting "project"; and

(5) in subsection (c)(3) by striking "on the federal-aid system of which such project is to be part," and inserting "of the type funded".

Senate amendment No. 207: Page 73, after line 16, insert:

SEC. 345. Section 311(b) of the Federal Water Pollution Control Act is amended by adding a new paragraph to read as follows:

"(12) WITHHOLDING CLEARANCE.—If any owner, operator, or person in charge of a vessel is liable for a civil penalty under this subsection, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a civil penalty under this subsection, the Secretary of the Treasury, upon the request of the Secretary of the department in which the Coast Guard is operating or the Administrator, shall with respect to such vessel refuse or revoke—

"(A) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);

Senate amendment No. 208: Page 73, after line 16, insert:

SEC. 346. (a) WAIVER.—Notwithstanding any other provision of law, the obligations and liabilities of the Columbus and Greenville Railway under section 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, shall be suspended for the period beginning October 1, 1992, and ending September 30, 1994.

(b) REPAYMENT.—The obligations and liabilities of the Columbus and Greenville Railway suspended under subsection (a) shall be repaid to the United States by the Railway on or before October 1, 1997. Payments shall be deposited to the Treasury as miscellaneous receipts.

Senate amendment No. 209: Page 73, after line 16, insert:

SEC. 347. HIGH PRIORITY CORRIDORS.—Paragraph (18) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended to read as follows:

"(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Shreveport/Bosier, Louisiana, and to Houston, Texas.".

Senate amendment No. 214: Page 73, after line 16, insert:

SEC. 352. CARRIAGE OF OIL IN PRINCE WILLIAM SOUND.—Section 5005(a) of the Oil pollution Act of 1990 (33 U.S.C. 2735(a), 104 Stat. 553) is amended—

(1) by striking "tank vessel operating on Prince William Sound, or" and inserting in lieu thereof "tanker loading cargo at"; and

(2) by inserting "and a response plan for such a facility," after "(43 U.S.C. 1651 et seq.).".

Senate amendment No. 217: Page 73, after line 16, insert:

"SEC. 355. The Historic United States Customs building located adjacent to Interstate Route I-15 in Sweetgrass, Montana, and the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting use of and access to rights-of-way on the Interstate System: Provided, That such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for the export and for consumption outside the United States: Provided further, That such right-of-way access be developed in conjunction with the overall redesign planning work that is underway to relieve the congestion problems at the Sweetgrass border crossing."

Senate amendment No. 218: Page 73, after line 16, insert:

"SEC. 356. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island."

Senate amendment No. 220: Page 73, after line 16, insert:

"SEC. 358 Projects to research, develop and test technologies to control highway related emissions which contribute to the nonattainment of any ambient air quality standard or the impairment of visibility within an urbanized area shall be deemed to be eligible under the Congestion Mitigation and Air Quality Improvement Program."

Senate amendment No. 221: Page 73, after line 16, insert:

"SEC. 359. Not later than September 30, 1993, the Secretary of Transportation shall issue proposed rules under Docket No. HM-175A (Specifications for Tank Cars) and Docket No. HM-201 (Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws, and Other Defects of Tank Cars)."

Senate amendment No. 224: Page 73, after line 16, insert:

"SEC. 362. Notwithstanding any other provision of law, the State of Vermont shall be reimbursed, in an amount not to exceed $1,400,000, for its share of work performed on major and minor reconstruction of roadways and bridges on United States Interstate Routes 89 and 91, in Vermont."

Senate amendment No. 225: Page 73, after line 16, insert:

"SEC. 363. Notwithstanding any other provision of law, funds made available under this Act and previous Acts, for the intermodal fuel cell bus facility program under the Federal Transit Administration's Discretionary Grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended."

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER. The clerk will designate the motion.

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 and concur therein with amendments as printed in the RECORD.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The full texts of the motions to recede and concur with amendments to the foregoing Senate amendments are as follows:

Amendment numbered 195: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 195, and concur therein with an amendment, as follows: In lieu of the section number "333", insert: "338".

Amendment numbered 197: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 197, and concur therein with an amendment, as follows: In lieu of the section number "335", insert: "340".

Amendment numbered 199: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 199, and concur therein with an amendment, as follows: In lieu of the section number "337", insert: "342".

Amendment numbered 200: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 200, and concur therein with an amendment, as follows: In lieu of the section number "338", insert: "343".

Amendment numbered 201: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 201, and concur therein with an amendment, as follows: In lieu of the section number "339", insert: "344".

Amendment numbered 202: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 202, and concur therein with an amendment, as follows: In lieu of the section number "340", insert: "345".

Amendment numbered 204: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 204, and concur therein with an amendment, as follows: In lieu of the section number "342", insert: "346".

Amendment numbered 207: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 207, and concur therein with an amendment, as follows: In lieu of the section number "345", insert: "349".

Amendment numbered 208: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 208, and concur therein with an amendment, as follows: In lieu of the section number "346", insert: "350".

Amendment numbered 209: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 209, and concur therein with an amendment, as follows: In lieu of the section number "347", insert: "351".

Amendment numbered 214: LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 214, and concur therein with an amendment, as follows: In lieu of the section number "352", insert: "354".

Amendment numbered 217: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 217, and concur therein with an amendment, as follows: In lieu of the section number "355", insert: "357".

Amendment numbered 218: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 218, and concur therein with an amendment, as follows: In lieu of the section number "356", insert: "358".

Amendment numbered 220: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 220, and concur therein with an amendment, as follows: In lieu of the section number "358", insert: "359".

Amendment numbered 221: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 221, and concur therein with an amendment, as follows: In lieu of the section number "359", insert: "360".

Amendment numbered 224: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 224, and concur therein with an amendment, as follows: In lieu of the section number "362", insert: "363".

Amendment numbered 225: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 225, and concur therein with an amendment, as follows: In lieu of the section number "363", insert: "364".

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 7, line 12, strike out all after "welfare;" down to and including "Defense;" in line 14 and insert: "$2,567,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 20, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$2,558,000,000, of which $253,000,000 shall be available only to the extent transferred from the Department of Defense.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 8, line 14, strike out "$67,650,000" and insert: "$57,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 27 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$56,565,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 8, line 16, strike out "$122,550,000" and insert: "$119,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 28 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$123,685,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 9, strike out all after line 17 down to and including "Defense" in line 19 and insert: "$73,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 33 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$73,000,000, of which $50,000,000 shall be available only to the extent transferred from the Department of Defense".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 9, line 25, strike out "$27,930,000" and insert: "$28,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 34 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$27,815,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 44: Page 12, line 11, strike out "$2,459,860,000" and insert: "$2,429,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 44 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,350,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 12, line 11, strike out "$2,275,903,000" and insert: "$2,238,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,159,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 17, line 24, strike out "$16,690,000,000" and insert: "$18,006,250,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$15,326,750,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 19, strike out lines 14 to 19.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"BALTIMORE-WASHINGTON PARKWAY

"For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $15,000,000.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 25, strike out lines 8 to 14.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"OPERATIONS AND RESEARCH

"For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $82,080,000, to remain available until September 30, 1995: *Provided*, That the Secretary of Transportation shall not permit transfer of title of the national advanced driving simulator from the Government of the United States: *Provided further*, That no provision under this head shall be interpreted in a manner which would affect the site selection for the national advanced driving simulator.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 27, line 12, after "1993" insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amendment by Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amended by Public Law 102-240 and this Act, except for amounts necessary for the State of New Mexico to continue its drunk driving prevention program under 23 U.S.C. 410 as in effect before the date of enactment of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: (92) Page 27, line 16, strike out "$17,385,000" and insert: "$17,802,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$17,152,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 29, line 5, strike out "$14,800,000" and insert: "$4,450,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 99 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$25,205,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 29, line 6, strike out all after "pended" down to and including "Lifesaver" in line 9.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follow: Restore the matter stricken by said amendment, amended as follows: In lieu of the sum stricken by said amendment, insert: "$650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 149: Page 39, after line 8, insert: "not less than $11,100,000 for the Hawthorne-Warwick Commuter Rail Project;".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 149, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$4,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 39, after line 8, insert: "not less than $30,000,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$25,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 41, after line 15, insert:

"HAZARDOUS MATERIAL SAFETY

"For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $13,016,000, of which $1,350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 156, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$12,650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 41, after line 15, insert:

AVIATION INFORMATION MANAGEMENT

"For expenses necessary to discharge the functions of Aviation Information Management, $2,618,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That the Department of Transportation shall prepare and publish on a monthly basis in automatic data processing tape format the United States International Air Travel Statistics data base previously published through March 1991. The Department may partially defray costs of preparation and publication of such statistics by charging a fair and reasonable fee for obtaining such information: *Provided further*, That there may be credited to this appropriation funds received from such user fees.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 157, and concur therein with an amendment, as follows: Delete the words: "on a monthly basis".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 158: Page 41, after line 15, insert:

"EMERGENCY TRANSPORTATION

"For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development $955,000, of which $73,000 shall remain available until expended: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 158, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$880,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 160: Page 41, after line 15, insert:

"PROGRAM AND ADMINISTRATIVE SUPPORT

"For expenses necessary to discharge the functions of Program and Administrative Support, $5,989,000, of which $175,000 shall be derived from the Pipeline Safety Fund: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination; *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the

amendment of the Senate numbered 160, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$5,886,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 42, after line 2 insert:

"For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $700,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That no more than $11,300,000 shall be made available for obligation in fiscal year 1993 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and 118 of the Hazardous Materials Transportation Act, as amended: Provided further, That such amounts shall only be available to the Secretary of Transportation.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 162, and concur therein with an amendment, as follows: In lieu of the second sum named in said amendment, insert: "$10,300,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 42, line 19, strike out "$38,000,000" and insert "$40,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 165, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert: "$38,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-567".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 167: Page 44, line 25, after "1993" insert ": *Provided further*, That notwithstanding any other provision of law or treaty, none of the funds appropriated under this heading may be used for the planning or execution of annuity payments to the Government of Panama in excess of $50,000,000 until the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the United States Coast Guard, certifies in writing to the Congress that (1) the Government of Panama has taken adequate steps to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and (2) the Government of Panama has taken sufficient steps so as to ensure improved compliance with the provisions of Annex V of such treaty on the part of Panamanian flag ships".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 167 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That notwithstanding any other provision of law, the Secretary of State shall communicate to the Government of Panama, within three months of the enactment of this section, the dissatisfaction of the Government of the United States concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), and the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, shall further provide no later than March 15, 1993, a written report to the Congress describing and assessing (1) the actions taken by the Government of Panama since August 1, 1992, to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of MARPOL 73/78, (2) any efforts taken by the Government of Panama to ensure improved compliance with the provisions of Annex V of MARPOL 73/78 on the part of Panamanian flag ships, and (3) the actions by the Government of the United States in the implementation of its new enforcement policy for Annex V of MARPOL 73/78, including penalty actions taken against foreign flag vessels by the Coast Guard for violations by those vessels occurring within the exclusive economic zone of the United States".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 172: Page 50, line 19, after "102-240" insert: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and amounts necessary for section 5002 of Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 172 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and not more than $750,000 for section 5002 of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 174: Page 50, line 19, after "102-240" insert: ", and notwithstanding any other provision of law, not distribute".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 174 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", and notwithstanding any other provision of law, not distribute $7,500,000 of the obligation limitation established by this Act for Federal-aid highways and highway safety construction: Provided, That such undistributed obligation limitation shall be available for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991: Provided further, That amounts for section 1081 of Public Law 102-240, section 5002 of Public Law 102-240, section 6015 of Public Law 102-240, and section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 185: Page 64, strike out all after line 22 over to and including line 3 on page 65, and insert:

SEC. 328. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the

Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 185 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 330. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 331. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee, to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 186: Page 65, strike out lines 4 to 10, and insert:

SEC. 329. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 332. Section 1064(e) of Public Law 102-240 is amended by adding: "For further purposes of this section, the access road from Interstate Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from United States Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials.".

SEC. 333. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 194: Page 73, after line 16, insert:

SEC. 332. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction and Improvements shall be available after the fifteen day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committee on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: "*Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 194 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 196: Page 73, after line 16, insert:

SEC. 334. For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by 23 U.S.C. 129(d), there is hereby appropriated $12,000,000 for the Secretary to enter into an agreement to make a loan or loans not to exceed $120,000,000 to the public entity or entities with the statutory duty to construct such facilities, to be available upon the completion of construction of such facilities for five year from the date capitalized interest funds are exhausted and only if and to the extent revenues from toll operations and standard reserves are less than revenue necessary for debt service established under the eligibility criteria applicable thereto and no more than 20 percent of the total loan amount would be payable in any one year of operation: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highway and highway safety construction programs: *Provided further*, That such loan or loans shall draw interest at the 30 year United States Treasury Bond rate on the date such loan or loans are made and shall be repaid in not more than 30 years. Notwithstanding any other provisions of law, such loan or loans shall not constitute a guarantee of the payment of principal or interest with respect to any indebtedness heretofore or hereafter issued by said public entity or entities.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 196 and concur therein with amendments, as follow: In lieu of the section number "334", insert:

"339" and in lieu of the sum $12,000,000", insert: "$9,600,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 198: Page 73, after line 16, insert:

SEC. 336. Section 1023 of the Intermodal Surface Transportation Efficiency Act (Public Law 102-240) is amended by adding a new subsection (h) as follows:

(h) PUBLIC TRANSIT VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the National Highway System of Interstate and Defense Highways, shall not apply, for the 2-year period beginning on the date of enactment of this Act, to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend such 2-year period for an additional year.

(2) STUDY.—The Secretary shall conduct a study on the maximum axle weight limitations on the National Highway System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under state laws, as they apply to public transit vehicles. The study shall determine whether or not public transit vehicles should be exempted from the requirements of section 127 or state laws or if such laws should be modified with regard to public transit vehicles. In making such determination, the Secretary shall consider current transit vehicle design standards, the implications of the Americans with Disabilities Act and Clean Air Act requirements on such design standards, and the potential impact of revised design standards on transit ridership capacity, operating and replacement costs, air quality concerns, and highway wear and tear.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the result of the study conducted under paragraph (2), together with recommendations.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 198, and concur therein with amendments, as follow: In lieu of the section number "336", insert: "341" and in lieu of the words "National Highway" in both instances, insert: "Dwight D. Eisenhower".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 205: Page 73, after line 16, insert:

SEC. 343. Notwithstanding any other provisions of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge replacement.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 205, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 347. Notwithstanding any other provision of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge rehabilitation project.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 206: Page 73, after line 16, insert:

SEC. 344. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end of the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The test of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 206, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 348. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 210: Page 73, after line 16, insert:

"SEC. 348. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 210, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 352. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative: Provided further, That the federal share of funding for such study shall be 100 percent of the cost of such study.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 212: Page 73, after line 16, insert:

SEC. 350. Section 345 of the Department of Transportation and related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 531 of such title.

"(5) Costs and other expenses incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 212, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 353. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rate for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(5) Costs and other expenses not to exceed $100,000 incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 215: Page 73, after line 16, insert:

SEC. 353. LABELING REQUIREMENT FOR AUTOMOBILES.

(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act".

(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new automobile distributed in commerce for sale in the United States shall cause to be affixed, and each dealer shall cause to be maintained, on each such automobile manufactured in any model year after model year 1993, in a prominent place, a label—

(A) indicating the percentage (by value) of automobile equipment on such automobile which originated in the United States;

(B) indicating the city, State (where appropriate), and country where such automobile is assembled; and

(C) in the case of any country (other than the United States) in which 15 percent or more of the automobile equipment (by value) on such automobile originated, indicating the names of at least the 2 countries in which the greatest amount of such equipment (by value) originated.

(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent.

(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary may permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section.

(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

(f) DEFINITIONS.—For purposes of this section—

(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(3) The term "automobile" includes any passenger car, passenger van, or any other vehicle with respect to which the labeling requirements of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) apply.

(4) The term "automobile equipment" means any system, part, or component of an automobile installed on or attached to such automobile at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser.

(5) The term "originated in the United States", in referring to automobile equipment, means the value added in the United States to the equipment.

(6) The term "new automobile" means an automobile the equitable or legal title to which has never been transferred by a manu-

facturer, distributor, or dealer to an ultimate purchaser.

(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(8) The term "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(9) The term "Secretary" means the Secretary of Transportation.

(10) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(11) The term "value added" means the value that is directly related to the production of the automobile equipment. Such term does not include value that is related to the production or sale of assembled vehicles, such as advertising costs, interest payments, royalties paid, depreciation charges, profits, and other such similar accounting categories of the manufacturer.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 215, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 355. The Motor Vehicle Information and Cost Savings Act is amended by adding at the end of title II thereof the following:

"SEC. 210. Labeling Requirements for Automobiles

"(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act"

"(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

"(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be identified with the words "U.S./Canadian content";

"(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

"(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

"(D) indicating the country of origin of the engine for each passenger motor vehicle; and

"(E) indicating the country of origin of the transmission for each passenger motor vehicle;

"(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

"(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)). A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 3(b) of the Automobile Information Disclosure Act.

"(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006), or on a readily visible separate label.

"(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after the enactment of this section in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is U.S./Canada or foreign and to provide such other information as may be necessary, as determined by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to reply on such certification and information. The regulations applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this Act.

"(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

"(3) The term "passenger motor vehicle" has the meaning provided in section 2(1) of this Act, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

"(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufactures and labor, may prescribe by rule.

"(5) The terms "originated in the United States and Canada". "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, mean:

"(A) for outside suppliers, the purchase price of automobile equipment which contains at least 70 percent value added in the United States and Canada; and

"(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

"(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

"(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

"(8) The term "Secretary" means the Secretary of Transportation.

"(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(10) (A) The term "value added in the United States and Canada" means a percentage derived as follows: "Value Added equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

"Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

"(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(1) Engines of same displacement produced at the same plant.

(2) Transmissions of the same type produced at the same plant.

"(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does not consider any level of decor of opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

"(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

"(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

"(14) The term "final assembly" point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

"(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

"(16) The terms "foreign" or "foreign content" means passenger motor vehicle equipment not determined to be U.S./Canadian origin.

"(17) The term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

"(g) EFFECT ON STATE LAW.—(1) Whenever a content labeling requirement established under this section is in effect, no state or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

"(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 216: Page 73, after line 16, insert:

SEC. 354. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary. In determining the redemption or repurchase amount the Secretary shall take into consideration the market value of the stock and may accept payment in an amount less than the par value of such stock.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 216, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 356. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 222: Page 73, after line 16, insert:

SEC. 360. ALCAN HIGHWAY.—Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any international road project for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Fiscal Year 1992 Appropriations Bill for the Department of Transportation.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 222, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 361. Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any portion of an international road project located outside of the borders of any State of the United States for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Department of Transportation and Related Agencies Appropriations Act, 1992.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 223: Page 73, after line 16, insert:

SEC. 361. COLLEGIATE TRAINING INITIATIVE

(a) The administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511(e), of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-continual or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of the Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recedes from its disagreement to the amendment of the Senate numbered 223, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 362. COLLEGIATE TRAINING INITIATIVE.

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103,

of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511, of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 226: Page 73, after line 16, insert:

SEC. 364. EMPLOYEE CONSIDERATIONS IN AIRLINE ROUTE TRANSFERS.

(a) IN GENERAL.—Section 401(h) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(h)) is amended by adding at the end the following new paragraph:

"(4) EMPLOYEE CONSIDERATIONS.—

"(A) CONSIDERATION OF EMPLOYMENT OPPORTUNITIES.—In reviewing a proposed transfer of a foreign air transportation route certificate, the Secretary of Transportation in order to encourage fair wages and equitable working conditions for air carriers shall give priority consideration to assuring employment opportunities for employees of the air carrier transferring the certificate. Those opportunities shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability. Consideration shall also be given to provisions for seniority integration, as provided for in the seniority integration protections specified in Tiger International Seaboard Acquisition Case, CAB Docket 33712.

"(B) EMPLOYMENT PLAN.—Upon application for approval of such a certificate transfer, the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan.

"(C) MANDATORY FINDINGS.—The Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that—

"(i) the employment plan submitted under subparagraph (B) does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability;

"(ii) reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; and

"(iii) the employment plan would not adversely affect the viability of the transaction.

"(D) EVALUATION.—Within 1 year after the approval by the Secretary of a transfer of a foreign air transportation route certificate, the Secretary shall conduct an evaluation of the implementation of the employment plan submitted under subparagraph (B).".

(b) DUTY TO HIRE PROTECTED EMPLOYEES.—Section 43(d)(1) of the Airline Deregulation Act of 1978 is amended by striking "10" and inserting in lieu thereof "17".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any application filed after the date of enactment. With respect to any application filed after July 26, 1991 but before the date of enactment the acquiring carrier must submit the employment plan specified in subparagraph (B) and that the provisions in subparagraph (D) apply.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 226, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 365. Notwithstanding any other provision of law, the Coast Guard shall utilize $2,000,000 in funds provided for "Research, development, test, and evaluation" in this Act or in previous appropriations Acts to enter into a grant agreement with the International Oceanographic Foundation, Inc. for the purpose of establishing the South Florida oil spill research center.

SEC. 366. Notwithstanding any other provision of law, the Federal Aviation Administration is required to remedy any existing contamination problems related to asbestos and PCBs at its Sayville facility and to remove the facility prior to the transfer of associated lands to the U.S. Fish and Wildlife Service

SEC. 367. Notwithstanding any other provision of law, the Secretary of Transportation shall make available $4,100,000 in fiscal year 1993 from section 1105(f)(16) of Public Law 102-240 to section 1108(b)(25) of Public Law 102-240.

SEC. 368. Notwithstanding any other provision of law, section 1105(e)(2) of Public Law 102-240 is amended by adding at the end the following new sentence: "A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois.".

SEC. 369. Notwithstanding any other provision of law, section 1108(b)(17) of Public Law 102-240 is amended by striking the current project description and inserting, "Conduct environmental studies, preliminary engineering, and construction for the Las Vegas beltway, including those portions linking McCarran International Airport and I-15.".

SEC. 370. Notwithstanding any other provision of law, in selecting projects to be carried out with funds apportioned to it under section 104 of title 23, United States Code, the State of Illinois shall give priority consideration to reconstruction of Meridian and Glen Crossing Roads in Madison County, Illinois.

SEC. 371. Notwithstanding any other provision of law, section 1105(g) of Public Law 102-240 is amended by adding a new paragraph (9) to read as follows: "(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).".

SEC. 372. Notwithstanding any other provision of law, the Federal Railroad Administration, in its oversight of railroad employees' duty hours, shall presume to be lawful the Long Island Railroad's current practice of considering as commuting time the travel time of an employee to any reporting point, regardless of whether the employee has more than one reporting point.

SEC. 373. Notwithstanding any other provision of law, section 1069(t) of Public Law 102-240 is amended by striking the period in the last line, inserting a comma, and adding: "and funds provided pursuant to this provision shall not be subject to any limitation on obligations for federal-aid highways and highway safety construction programs.".

SEC. 374. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1995, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 375. Notwithstanding any other provision of law, the Secretary is directed to waive the non-federal share for NASA Road 1 near Houston, Texas.

SEC. 376. Notwithstanding any other provision of law or regulation, before July 1, 1993, no lanes on any highway located on federally owned land, whether subject to easement or otherwise, may be restricted to high occupancy vehicles if those lanes have been constructed or maintained through the use of toll receipts.

SEC. 377. TREATMENT OF CERTAIN BUS REVENUE MILEAGE.—For purposes of the apportionment of funds under section 9 of the Federal Transit Act for fiscal year 1993, the total bus revenue vehicle miles provided by the Duke Power Company in the year ending June 30, 1990, shall be treated as having been provided by the City of Durham, North Carolina.

SEC. 378. Notwithstanding any other provision of law, section 1104(b)(17) of Public Law 102-240 is amended by striking the project description and inserting: "Study and construction of a bicycle system to serve as an alternative form of commuter transportation, to reduce air pollution, and to enhance recreation".

SEC. 379. Notwithstanding any other provision of law, section 1106(a)(2)(69) of Public Law 102-240 is amended by adding to the project description the following: "; plan, design, and construct related, adjacent, or interlocking facilities, preserve any related historical remnants, and acquire the necessary lands or interests in lands for such facilities".

SEC. 380. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM-10 resulting from transportation activities, the State may obligate such funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.".

SEC. 381. BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Sec-

tion 3035(nn)(2) of Public Law 102-240 is amended—(1) by striking "Waldorf" and inserting "mass transportation improvements to the Waldorf area"; and (2) by adding after the first sentence the following new sentence: "The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor.".

SEC.. 382. Section 3035(ccc) of Public Law 102-240 is amended by striking "the municipality of metropolitan Seattle, Washington" and inserting: "a qualified local sponsor".

On page 66, line 4 of the House engrossed bill, H.R. 5518, delete "Sec.";

On page 66, beginning on line 4, of the House engrossed bill, H.R. 5518, delete ". (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421-1433) is amended by adding at the end the following new section:"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate this next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 277: Page 73, after line 16, insert:

TITLE IV

HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in subsection (b) projects (167), (168), (174), (178), (179), (183), (184), and (185) and inserting in lieu thereof the following:

"(167) NELSON COUNTY.—Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.

"(168) STUTSMAN COUNTY.—Widening and surfacing from I-94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9.

"(174) MCKENZIE COUNTY.—Grading and surfacing of FAS 2750 from U.S. 85 west.

"(178) RENVILLE/WARD COUNTY.—Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809.

"(179) MORTON COUNTY.—Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.

"(183) MORTON COUNTY.—For a bypass around the west side of Fort Lincoln State Park from Mandan South.

"(184) ROLETTE COUNTY.—Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.

"(185) OLIVER COUNTY.—Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107."

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remain after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota."

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) and substitute: "The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1006(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 56 by striking "I-55" and inserting "I-59".

SEC. 406. The Secretary shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7-15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry out activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passenger and ferry boats carrying passengers only."

SEC. 411. The Intermodal Surface Transportation Efficiency Act of 1991, Section 1069(y) is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended."

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102-240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102-240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, December 18, 1991, may be obligated for any such projects.

SEC. 415. Notwithstanding any other provision of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 227, and

concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE IV—HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107(b) of Public Law 102-240 is amended by striking—

(a) in subsection (167) the project description and inserting in lieu thereof: "Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.".

(b) in subsection (168) the project description and inserting in lieu thereof: "Widening and surfacing from I-94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9."

(c) in subsection (174) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 2750 from U.S. 85 west.".

(d) in subsection (178) the project description and inserting in lieu thereof: "Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809."

(e) in subsection (179) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.".

(f) in subsection (183) the project description and inserting in lieu thereof: "For a bypass around the west side of Fort Lincoln State Park from Mandan South.".

(g) in subsection (184) the project description and inserting in lieu thereof "Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.".

(h) in subsection (185) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107.".

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remains after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota.".

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) and substitute: "The Federal share payable on account of activities carried out under section 6065, as well as operational test activities carried out under this part (other than section 6056) shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1106(a)(2) of the Intermodal Surface Transportation Effiency Act of 1991 is amended in the item numbered 56 by striking "I-55" and inserting "I-59".

SEC. 406. The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel, and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of road, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7-15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry and activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.".

SEC. 411. Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991, is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended.".

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102-240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102-240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, may be obligated for any such periods.

SEC. 415. Notwithstanding any other provisions of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 228: Page 73, after line 16, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, December 18, 1991) may be obliged for any of such projects.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 228, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of Public Law 102-240 may be obligated for any such projects: *Provided*, That the total amount of any project shall not be reduced.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 230: Page 73, after line 16, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102-240 is amended by adding at the end of section 8(h)(4) the following sentence: "any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. Matching Share for Transferred Funds.—(a) Section 8(k) of the Federal Transit Act is amended by—

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects."

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used by any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United States Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under section 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 26(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year."

SEC. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000 under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "urbanized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the house recede from its disagreement to the amendment of the Senate numbered 230, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102-240 is amended by adding at the end of section 8(h)(4) the following sentence: "Any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. MATCHING SHARE FOR TRANSFERRED FUNDS.—(a) Section 8(k) of the Federal Transit Act is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(b) Section 134(k) of title 23, United States Code is amended by adding at the end: "The provisions of title 23, United State Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used for any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Transit Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United State Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under sections 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).".

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 21(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.".

Sec. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000, under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "organized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 233: Page 73, after line 16, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

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

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF BASIC GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1993 through 1997. Amounts made available to carry out this section shall remain available until expended and shall not be subject to any obligation limitation for State and community highway programs.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(a) EFFECTIVE DATE.—(1) The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under section 410, as amended by this title.

(c) TRANSFER OF REMAINING FUNDS TO NEW PROGRAM.—Funds apportioned in fiscal year 1992 from which grants were not awarded under section 410 of title 23, United States Code, as in effect on September 30, 1992, shall be available for carrying out section 410 of title 23, United States Code, as amended by this title, on and after October 1, 1992.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 233, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

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

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997. Amounts made available to carry out this section are authorized to remain available until expended.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(A) EFFECTIVE DATE.—The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.

Mr. BOEHNER. Mr. Speaker, I rise to oppose the inclusion of the labeling requirement provision in the transportation appropriation. Calling this amendment a simple domestic content labeling provision is misleading. The language in this amendment creates three different classifications of parts suppliers with different ways to measure American content for each. These separate classifications punish companies that manufacture components in house. Furthermore, the definition of value added is critical in understanding how this bill could classify parts made in America as imports.

I want to use a real world example of how this bill punishes companies that have located in the United States by making arbitrary definitions of domestic and imported. Honda makes their engines in Anna, OH. This facility uses the latest technology to produce the engines that go into the Civics and Accords manufactured in North America.

The engines and transmissions produced at this facility have to be labeled as to the country of origin. In order for the engines to be classified as an American, 50 percent or more of the dollar value added must have occurred in the United States. In this case, it is clear that the engines made in Anna, OH are American. But what happens when the engine moves from an in-house facility where it was produced to the final assembly point? This is where the confusion begins on the domestic labeling requirement. This is also where the arbitrary nature of this provision becomes obvious.

Under the definitions of the labeling provision, it is not clear whether the engines made in Anna, OH, can be counted as a part under this bill. The reason has to do with the definition of value added. Value added in the United States and Canada is defined in H.R. 5518 as "the total purchase price, minus total purchase price of foreign content, divided by the total purchase price." The engines made by Honda are produce within the company. Therefore, no price is ever assigned to the engine. It is not clear under the definition of value added whether Honda can assign a price to the engines they produce.

Even if the engine can be claimed as a part under the bill, the definition of value added cannot include labor or assembly. That means that almost all of the work done in Anna, OH on the Honda engine cannot count toward the domestic content of cars assembled in Marysville, OH.

Mr. Speaker, I have visited the engine assembly plant in Anna. It is an amazing facility. In this plant is a fully functional foundry that uses computers and robots to make pistons, piston rings, crank shaft, the head, and the engine block. These parts are then assembled into an engine within the same facility. Today, Congress is about to tell 2,000 workers at this plant that the engines they produce are imports for the purposes of domestic auto content.

This is wrong, plain and simple. How can Congress tell American workers that the job they perform each day is not part of the value of a product? If the facility in Anna, OH, were located in Canada and owned by one of the big three automakers, the engines produced at such a facility would be counted as domestic under this provision. For Congress to devalue the labor of a group of Americans because they work for a Japanese transplant is unconscionable.

Mr. Speaker, when foreign companies invest billions of dollars in the United States, they are making a strong statement about the productivity and quality of American workers. The money spent by Honda could have been invested elsewhere, yet they chose to invest more than $2 billion in Ohio, because the workers in my State are the most productive in the world. If Congress wants to destroy the incentives foreign companies have to invest here, I can't think of a better way than to pass legislation such as domestic content labeling requirements.

Finally, I would like to add that there were no hearings on this provision in the House. This amendment was added to the Senate version of the transportation appropriation. Had this action been taken in the House, it would have been a clear violation of the rules of the House. There are several serious policy questions involved with the domestic content language. This provision will increase the paperwork cost requirements for auto dealers and manufacturers. Also, it also appears that the language in the provision is in direct contradiction to the recently negotiated North American Free Trade Agreement. Finally, I question the definitions used to describe domestic and foreign under this measure. Since there were no hearings on this bill, these questions will remain unanswered.

Mr. Speaker, this is not the way we should conduct business in the House of Representatives. If this idea was so worthy, it should have gone through normal legislative process. As drafted, the domestic content provision is poor legislative policy, shortsighted public policy, and misdirected trade policy. I urge my colleagues to oppose this provision.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5192, VETERANS HEALTH CARE AMENDMENTS OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans health programs. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Veterans' Affairs now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole.

Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

□ 1430

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 578 provides for the consideration of H.R. 5192, legislation to amend title 23 United States Code, to make improvements to veterans health programs.

Mr. Speaker, the rule provides 1 hour of general debate time which will be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs.

The rule makes in order an amendment in the nature of a substitute printed in part 1 of the report accompanying the rule as an original bill for the purpose of amendment. This substitute is the bill as reported by the Committee on Veterans' Affairs as modified by amendments recommended by the committee. The substitute will be considered as having been read.

Only three amendments are made in order under the rule. They are printed in par 2 of the report accompanying the rule. Each amendment shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment except as specified in the report.

The first amendment is a substitute for section 7 to be offered by Mr. PENNY of Minnesota or Mr. DURBIN of Illinois or their designee. The second amendment is to be offered by Mr. STAGGERS of West Virginia or his designee. The third amendment is to be offered by Mr. TRAFICANT of Ohio or his designee.

The Staggers amendment is a substitute amendment to the Penny substitute. Both the Penny amendment and the Staggers amendment are debatable for 20 minutes. The Traficant amendment is debatable for 10 minutes.

The rule waives clause 5(a) of rule XXI against the amendment in the nature of a substitute, prohibiting appropriations in a legislative bill, and also waives clause 8 of rule XXI, requiring a CBO cost estimate. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in strong support of the rule and of H.R. 5192. Swift passage of this rule will allow us to debate the necessary provisions set forth by this bill to address the critical issue of improving health care for this Nation's veterans. I hope Members will join with me in supporting the rule and in supporting H.R. 5192.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I thank the good chairman of the Committee on Rules for yielding me the time.

I must say the gentleman from Massachusetts [Mr. MOAKLEY] is doing a fabulous job in the Committee on Rules, trying to get the bills out here in this rush to adjournment.

The Committee on Rules has had a tradition of bipartisanship which has allowed it to bring most of its legislation to the floor under suspension. This has worked to the benefit of veterans and their families and the Nation.

Balanced, well-thought-out legislation has been put together in such a way that it satisfies the overwhelming majority of Members on both sides of the aisle.

As the former ranking Republican on the Committee on Veterans' Affairs and even though I am the senior ranking Republican on the Committee on Rules, I want you to leave these bills in committee, work them out, and bring them to the floor. That is how we get good legislation.

I understand in this case, because of a division of opinion over the issue of smoking in veterans hospitals, that it was really deemed best, I guess, to go to the Committee on Rules. I believe we have come up with a procedure which would be fair to both sides of the aisle on this issue.

Under this rule, the base text would be the language unanimously adopted by the Committee on Veterans' Affairs, which does such an outstanding job under the leadership of SONNY MONTGOMERY, its chairman, and BOB STUMP, its ranking Republican. It would require the VA to sell tobacco in canteens and would require the VA to establish an indoor designated smoking area within each hospital. That is what the bill does.

Next, the gentleman from Minnesota [Mr. PENNY] and the gentleman from Illinois [Mr. DURBIN] will be able to offer their amendment, which maintains a no-smoking policy but which allows outdoor smoking. Then the gentleman from West Virginia [Mr. STAGGERS] will be allowed to offer an amendment to the Penny-Durbin amendment. That amendment would delete—in other words prohibit—the sale of tobacco products, while continuing to call for a designated indoor smoking area.

Mr. Speaker, the procedure in this rule would allow the House to choose among this full range of alternatives.

In making this decision, it is important to remember that many of our World War II and Korean war veterans—they smoke, they should not be forced to go out into subfreezing temperatures, as is often the case, especially in the part of the country which I represent, in order to continue a habit that may well have been picked up by them when they were in the Second World War or the Korean war. It is not up to us to force our morals on them. Let them do what they want to do.

I understand the desire of the Secretary of the Department of Veterans Affairs to improve the health of veterans. I recognize his right to offer smoking cessation programs. But for veterans who do not want to change, we should not force them out onto a sometimes-icy sidewalk, maybe they are in wheelchairs, just because they want to have a smoke.

Mr. Speaker, I support this rule as a fair way to permit the House to settle this issue.

I am going to strongly support the Staggers amendment because I think it is the fair thing to do.

Mr. Speaker, I yield 2 minutes to the distinguished ranking Republican on the committee, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant support of the rule granted by the Rules Committee for H.R. 5192, as amended. I was reluctant to have this bill considered under a rule at all because it is a departure from the usual procedure followed for veterans legislation. But the situation is an unusual one because the bill was reported by the Veterans' Affair Committee with an amendment which some Members believe goes beyond veterans issues.

All sides would have a full opportunity to present their views under the rule granted. However, I believe that this rare situation should not be viewed as establishing a precedent for consideration of veterans' legislation. I fully expect veterans legislation to continue to be considered under expedited bipartisan procedures, which veterans service organizations and military associations overwhelmingly support.

I support passage of the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished Member, the gentleman from Tennessee [Mr. SUNDQUIST], a former member of the Committee on Veterans' Affairs and a good member.

Mr. SUNDQUIST. I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I would like to express my support for the Staggers amend-

ment to H.R. 5192 to mandate designated smoking areas for patients in VA hospitals.

I was privileged to serve on VA committee for six years. I strongly believe that prohibiting American veterans from smoking in VA facilities is an unfair and insensitive policy that denies those who have honorably served this country dignity and respect.

Sadly, antismoking advocates have attempted to characterize this as a health debate, when it is clearly an issue of fundamental right. We are all aware of the health risks associated with smoking. However, something has gone awry when Government policy dictates personal behavior to citizens. As long as smoking remains a lawful activity, hospitalized veterans should enjoy the same rights as every other American.

The men and women who served in our Armed Forces, like all Americans, are left to make their own personal decisions pertaining to smoking and their health. One-quarter of our veterans choose to smoke, yet those in VA hospitals are being forced outside, into shelters and parking lots in order to exercise this right. Many VA patients are frail and elderly, others are disabled or confined to wheelchairs, yet in order to smoke they are subjected to summer heat, winter cold, and other less than ideal health conditions.

Despite what some of my colleagues may have heard, implementing designated smoking policies for patients will not revoke the accreditation of VA hospitals. VA hospitals are accredited on numerous criteria, not one specific issue.

I commend VA hospitals for implementing smoking cessation programs to assist patients and employees who wish to stop smoking. Hoover, I reject the existing involuntary, de facto smoking cessation program that discourages veterans from smoking by forcing them outside to battle the elements. U.S. veterans deserve better treatment.

I plan to vote in favor of preserving the rights of our veterans and urge my colleagues to join me.

□ 1440

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just urge the Membership to vote for this rule. It is a fair rule. Then I would ask for support for the Staggers amendment when it comes on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I will do most of my debating during general debate and during debate on the Staggers amendment.

The rule permits a designee for the Staggers amendment. The gentleman from West Virginia [Mr. STAGGERS] is ill today and is not able to be in attendance in the House and has asked me to stand in for him to be his designee; so I just wanted to state that for the RECORD.

The Staggers amendment is something that the gentleman from West Virginia [Mr. STAGGERS] has championed through the Committee on Veterans' Affairs.

It was passed on a unanimous voice vote. It is a very important amendment that I think restores some dignity to our veterans.

We will debate the merits of the issue during general debate and during the debate on the pending Durbin amendment and the Staggers amendment.

I just want to rise an say that the gentleman from West Virginia [Mr. STAGGERS] has worked long and hard on this amendment. It is balance of fairness. It requires that veterans be given one single well-ventilated area within the hospitals, most of which already exist, in which they can smoke. Also at the same time it removes the requirement that tobacco products be sold in the canteens.

I think this strikes a balance. It is certainly fitting and I would urge that we pass this.

The gentleman from West Virginia [Mr. STAGGERS] wishes he could be here; but as I say, I will try to carry the ball for him; but I do want to acknowledge all that he has done to bring this before us today.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4178. An act to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

H.R. 5673. An act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5013. An act to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.

H.R. 5258. An act to provide for the withdrawal of most favored nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled.

H.R. 5368. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4996) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5368) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions in House Concurrent Resolution 192, 102d Congress, second session, the chair, on behalf of the Republican Leader, announces the appointment of Mr. DOMENICI, vice chairman; Mrs. KASSEBAUM; Mr. LOTT; Mr. STEVENS; Mr. COHEN; and Mr. LUGAR; to the Joint Committee on the Organization of Congress.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1675. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimus consent that the managers on the part of the House may have until 12 midnight tonight, Octo-

ber 1, 1992, to file the conference report on H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS HEALTH CARE AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5192.

□ 1444

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5192 to amend title 38, United States Code, to make improvements to veterans health programs with Mr. DIXON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I yield myself such time as I may consume.

H.R. 5192, as amended, would make several changes in current law relating to veterans health care services.

I will not explain all of the provisions of the bill. But I will mention several that I think will be of interest to Members of the House.

First of all, the bill would help correct a problem affecting pay for senior VA nurses. Many of my colleagues may have heard complaints from some nurses at medical centers in their districts.

Two years ago we passed legislation that made major changes in the way nurses are paid. In implementing the law, VA has caused many senior nurses to take a pay cut and some have little chance for promotion. This was not intended by the Congress.

H.R. 5192 is specifically designed to deal with the problem. I want to emphasize that most of the problems we have heard about are the result of VA's failure to implement the Nurse Pay Act of 1990 as Congress intended. The act gave the Secretary maximum flexibility. But VA failed to use that flexibility to the full extent.

This bill would help remedy these problems by creating a new pay grade for senior nurses. In addition, the bill would require VA to develop new qualification standards for its nurses.

Section 4 of the bill makes several changes to the VA's medical care cost recovery program or third-party reimbursement. The millions of dollars being collected by the VA from insurance companies each year now go to the Treasury. VA may only keep the cost of expenses that it takes to make these insurance collections.

As reported, the bill would have changed the collection authority after fiscal year 1995, allowing the VA to use collected funds for medical equipment and other high-priority areas. Frankly, I would like to rechannel all of the funds collected to VA hospitals now.

Because of objections raised by the leadership of the Budget Committee, this provision has been deleted from the bill. It seems we have little difficulty in finding funds for some things, but when we attempt to remedy some of the health care problems many veterans are confronted with, the funds to take care of the problems are not available because of the budget agreement adopted 2 years ago or because of a technical violation of the Budget Act.

The reported bill would reaffirm the intent of Congress that VA has authority to collect from insurers on MediGap policies. This provision of the bill is necessary only because some insurance companies are refusing to comply with the law previously passed by the Congress, and VA has been forced to go to court in many cases to collect funds for care provided to some veterans.

The bill would provide that most of the money VA collects from these MediGap policies shall be put back into the VA medical program.

As an incentive for hospitals to do a better job of collecting the revenues, 20 percent of the amount collected would remain at the local hospital.

Mr. Chairman, the bill also contains an amendment offered by the Honorable HARLEY STAGGERS that would reverse a recent policy put into effect by the former Secretary of Veterans Affairs.

Following my remarks on the bill, I will yield to the distinguished gentleman from West Virginia [Mr. WISE], who will explain section 7 of the bill and Mr. STAGGERS' reasons for offering the amendment during full committee markup.

Other provisions of this bill would extend several expiring programs and would solve a problem many veterans face because of income received in compensated work programs in many State veterans homes.

H.R. 5192 is a very important bill, Mr. Chairman, and I urge by colleagues to support it.

□ 1450

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5192, as amended, the veterans health care amendments of 1992. This bill is a bipartisan effort which was unanimously reported by the Committee on Veterans' Affairs in June.

H.R. 5192 contains ongoing authority for the VA's Respite Care Program which allows primary caretakers of totally disabled veterans brief periods of relief from the enormous burden of providing long-term care. The bill also provides extensions to the Health Professional Scholarship Program and the State Home Construction Program.

Another important provision of this bill pertains to VA's authority to collect from health insurance companies for the care provided to veterans for treatment of nonservice-connected disabilities.

Also, the bill contains several provisions which will fine tune Public Law 101-366, legislation enacted to reform the pay structure of nurses employed by the Department of Veterans Affairs.

Finally, Mr. Chairman, I want to make very clear my strong support for the Staggers provision which the Committee on Veterans' Affairs unanimously added to H.R. 5192 at the committee markup. My colleagues have examined at some length the many good arguments in favor of the amendment.

Therefore, I briefly want to focus on what I believe is the essential issue—whether our veterans are treated with dignity. That is the real issue. Those who are opposed to the amendment appear to see the debate in simplistic terms of smokers versus nonsmokers, or solely as a health issue.

They miss the point. Yes, we are concerned about the health of veterans and anyone else who works in or visits a VA hospital. We do as much as possible to protect their health out of respect for each person. However, respect goes beyond health and medical treatment. Veterans in VA hospitals are there because they have earned the right to be there, and many of them have serious service-connected disabilities. Most of them have no real alternatives for other medical treatment. Thus, they are a special hospital population.

If veterans choose to smoke in a way which respects the rights of others, why should the VA tell them they must go outside, no matter what the climate or weather is, to have a cigarette?

Some opponents of the Staggers provision have the best of intentions, and are genuinely concerned about the well-being and health of our veterans. Among those, I would include my colleague from Minnesota, Mr. PENNY, for whom I have the highest respect. He now believes the Staggers provision should be considerably modified in hope of finding a compromise. But now Mr. STAGGERS is also offering a compromise amendment. I believe his offers the better compromise, although I frankly prefer his original provision.

Unfortunately, some other opponents of the Staggers provision have resorted

to distortions, misinformation, and scare tactics. So here are the facts.

The cost of the Staggers provision is minimal and far less than VA's wildly exaggerated estimate of $11 million. Its cost is also far less than the cost of building outdoor shelters, especially shelters which would afford much protection against the elements.

Nonsmokers will be fully protected from secondhand smoke. Some opponents have intimated that the Staggers provision would allow smoking all over VA hospitals. Nothing could be further from the truth. Smoking would be allowed in only one room in each VA hospital. It is a simple matter to deal with cigarette smoke in one room. Take a room with an outside wall at the end of a corridor, install an inexpensive exhaust fan to create a negative airflow, add smokeeater ashtrays, make sure the door has a good seal around it, close off any air-conditioning return duct, and no one outside the room is going to be exposed to any secondhand smoke. It is effective, feasible, and inexpensive.

VA hospitals would not lose their accreditation if the Staggers provision is passed. First, it is difficult to see how a hospital could lose its accreditation for complying with Federal law. And, second, the president of the Hospital Accrediting Commission has already admitted the Commission's criteria on smoking are a mistake for chronically ill patients in long-term care settings.

Many VA hospital outdoor shelters consist only of a canopy and concrete slab, and are inconveniently located or inaccessible for veteran patients whose mobility is limited. Yet, these elderly and severely disabled veterans are being forced to smoke outside in summer heat and winter cold, and in rain, snow, and wind. Few of the employees of VA hospitals are unsympathetic or hard hearted. Quite the contrary. The men and women who work in VA hospitals are caring and dedicated, and many of them are telling us they do not agree with this rule which has been imposed from Washington on their patients.

Moreover, the ban on tobacco sales at VA hospitals has resulted in a loss of $3 million in VA hospital canteen income in each of fiscal years 1992, 1993, and 1994. The shortfall is being made up by raising prices and subsidizing canteen operations through waivers of the occupancy and service charges the canteens normally pay the VA facilities they occupy. The results are that canteens are not as affordable for hospitalized veterans and that VA hospitals are going unreimbursed to the tune of about $9 million at a time when many of them are experiencing serious shortfalls in their operating funds due to chronic underfunding.

Veterans at VA hospitals are mature men and women. Like all of us, they have made choices about their personal habits. They are not children, and, like all of us, they do not like being treated like children.

Mr. Chairman what veterans fought for was the right of all Americans, themselves included, to be free from unwarranted interference in their lives by government. The Staggers provision has the same objective.

I want to thank the chairman, SONNY MONTGOMERY, and the ranking minority member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, for their leadership on this important legislation. Also, I commend my colleague, Mr. STAGGERS, for his willingness to take on a difficult issue and see it through.

I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute before I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. Chairman, I want to make it clear that I support the Staggers-Wise amendment. It is a compromise. I hate to oppose an outstanding subcommittee chairman's amendment, the gentleman from Minnesota [Mr. PENNY], but I feel the Staggers-Wise amendment is what we need to help these veterans, and that is the position I would like to take today.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this is not a smoking amendment, and some may attempt to portray it as so. Basically what the Staggers amendment does is to say that within each veterans hospital there will be one single well-ventilated facility, a lounge area, that is set aside for veterans to smoke in.

What is the present situation? Well, for a period of time, by administrative edict, our veterans in veterans hospitals are told they must not smoke inside but must go outside. They must go outside regardless of the weather conditions.

This amendment, the Staggers amendment, removes the requirement in the original bill that would mandate the sale of tobacco products in canteens, so, if my colleagues are concerned about the sale of tobacco products in canteens, the Staggers amendment removes the mandate. This goes only to the right of a veteran to smoke in a single well-ventilated area, just one area, not every room, not a full hall, but one well-ventilated area within the hospital, which, incidentally, most of the hospitals had before the Derwinski edict.

Now what is the present situation? Visit a veterans hospital. The way I became aware of this was visiting the Marshall Veterans Administration facility in Huntington when it was about 10 degrees, and I could not figure out why it was that there were three veterans in nightgowns, elderly veterans, World War II veterans, why they were out there, one with an IV-pole, standing outside there in their bathrobes, and so I asked the question, and the answer was: because they were not permitted to smoke inside.

So, Mr. Chairman, the irony of this situation is that we have our veterans who are there to get well, who smoke, and who, at 70 years old, and maybe my colleagues want to argue with them, and maybe they want to impose their value system on them, but I do not think that is my job at this point. But at any rate they are there to get well, and so what are they told to do? They are told to go outside, and stand and smoke.

Now since then the VA system has built bus shelters for each of the VA hospitals. There are open shelters. They are not heated. At Martinsburg, VA they walk out a concrete sidewalk a number of feet to get to it, and so they are in the same exposed situation, and that is true for all the VA hospitals.

So, surely we can treat our veterans better than that.

My concern with the Penny-Durbin amendment is that it is a status quo. It maintains the exact same situation, and so it is time for Congress to step in, and I would just point out to my colleagues that most of the major veterans groups, including the American Legion, including the Veterans of Foreign Wars, support the Staggers amendment.

So, I would urge my colleagues to remember this is not a smoking amendment. Do not look at it that way. But look at it as a veterans' amendment and a veterans' dignity amendment and whether or not those who fought for our country, those who are in a hospital system dedicated to the unique care of a group of individuals, the veteran, whether they are entitled to certain privileges and whether they are entitled to make a basic choice. The VA hospitals will still maintain whatever smoking desensitization programs they have. There is no encouragement to smoke, but it does say, "If you are a veteran, and you choose to smoke, then you may go into one single well-ventilated lounge," and that is what the Staggers amendment does, and it removes the mandate that tobacco products be sold in the canteens.

So, that is all this amendment is, and I would urge my colleagues to support it. Think once again of those pushed outside to smoke simply because they smoke, veterans who served our country.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I support H.R. 5192, the Veterans Health Care Amendments of 1992, with the

Staggers amendment. This amendment will restore the rights of hospitalized veterans to smoke in designated areas in VA hospitals.

Our veterans, some of whom reside in these VA hospitals, have been denied the right to smoke indoors in such facilities. For months, these veterans have been forced to go outside in wheelchairs, with IV bags or on crutches to open air structures in unpredictable weather just to smoke. Our veterans do not deserve these conditions or this treatment.

In times of war and conflict, we have given support to our soldiers when they were called to duty. And now, years later, we are unwilling to grant those same individuals the right to choose whether or not they smoke. We seem to be adding to the sacrifices they have already made.

Our veterans are men and women capable of deciding whether or not to smoke. It is not up to us to deny them this choice, nor is it our place to make it difficult for them if they do decide to smoke.

At the same time, we must recognize the rights of those individuals who choose not to smoke and do not wish to be exposed to secondary smoke. During a House VA Committee hearing, VA Medical Center Directors advised us that an indoor smoking area could be accommodated by using a room at the end of a floor and that installing a window fan in the room would allow the smoke to be vented out of the hospital.

This appears to be a reasonable compromise for both smokers and nonsmokers. Veterans who wish to smoke would no longer be forced outdoors and nonsmokers would not be exposed to secondary smoke.

The Staggers amendment is supported by almost every veterans' organization, including the Veterans of Foreign Wars, The American Legion, the Retired Enlisted Association, the Non Commissioned Officers Association, and AMVETS.

Mr. Chairman, I will vote for H.R. 5192 because of my great respect for those who have served our country, and I urge my colleagues to do the same.

□ 1500

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. PENNY], a member of the Committee on Veterans' Affairs and one of our subcommittee chairman.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to use my time during general debate to outline the provisions of the amendment that I will be offering. First and foremost, the Penny amendment would reaffirm the VA's no-smoking policy. Fundamentally, this is a health care issue. I believe that it is an issue that ought to be decided by the Department of Veterans Affairs, which has management responsibility for 172 hospitals across this country. This is not a decision that we ought to be debating here on the floor of Congress where political considerations are brought to bear. This is a decision we ought to leave with the health care professionals within the VA system.

Mr. Chairman, let me read my amendment at this point just to make it clear what we are trying to achieve in terms of affirming the VA's policy toward smoking.

The amendment reads as follows:

The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

It goes on to state:

The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

So essentially we are strongly urging with this amendment that the VA use sensitivity and flexibility in implementing its no smoking policy, but we do affirm their right to maintain a no smoking policy for our facilities.

The VA began implementing a smoke-free environment in all VA facilities in 1990. Shelters outside the facility, but easily accessible for patients and visitors alike, have been constructed or soon will be constructed on all of the VA hospital campuses. Exceptions can be made on a case-by-case basis for those veterans who a physician feels ought to be allowed to smoke within a facility.

The VA also offers smoking cessation programs for staff and for patients.

Fundamentally, if we adopt the Staggers language we will place the VA health care system outside of the standards laid down by the Joint Commission on the Accredition of Health Care Organizations. The Joint Commission has made it clear that they want a no-smoking policy in all hospital facilities across the United States. The Staggers amendment, by requiring smoking indoors, would place the VA health care system apart from all other heath care providers in America by reintroducing smoking into the hospital environment.

Fundamentally, smoking and health care are incompatible. It does not make sense for us to mandate that smoking occur within any health care facility in the United States, particularly those that are run for public purposes and financed by public tax dollars.

Exposure to secondhand smoke is an immediate threat to all sick veterans. Seventy-five percent of our veterans do not smoke, and in these hospitals, where that ambient smoke will travel from room to room, we are putting at risk other veterans who are not smokers.

Secondhand smoke can increase heart rates, blood pressure, and carbon monoxide levels in the blood, and can exacerbate the health problems of people with asthma, pneumonia, and other lung or cardiovascular diseases.

It is not as simple as saying you can segregate a room and ventilate that room for people who wish to smoke. Many of our hospitals would have to construct additional ventilation systems in order to accommodate even one small room indoors for smoking purposes. That can run to hundreds of thousands of dollars throughout the VA health care system to designate just a very small space indoors.

In Minneapolis, where we have a new VA hospital, for 5 years now we have successfully implemented a no smoking policy. We do have space immediately adjacent to the hospital, and it is enclosed. It is heated and accessible and comfortable for those veterans who need to use it.

I think that is a policy that ought to be replicated across the country. By the end of this year, that no smoking policy, with easily accessible space next to the hospital, will be in place at all hospitals. We ought to reaffirm that policy with our vote today. Vote no on Staggers; vote yes on Penny.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I compliment the gentleman from Arizona [Mr. STUMP], the ranking Republican, and our friend, the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], for their work in bringing this bill to the floor.

Mr. Chairman, I rise in strong support of the Staggers amendment and in opposition to the Penny-Durbin amendment. I believe the Staggers amendment represents a fair and equitable compromise for all of our veterans.

There is only one question we need to ask—What do our veterans want?

Let me tell you in their own words, what the major national veterans organizations have to say about the Department of Veterans Affairs discriminatory ban on indoor smoking areas.

American Legion Resolution No. 193 adopted at their 1990 national convention:

Whereas, Veterans defended the freedoms of this country. . . . The American Legion feels strongly that these rights should not be violated. . . . Be it resolved, The American Legion . . . support legislation to mandate designated smoking areas in such facilities.

Veterans of Foreign Wars Resolution No. 692, adopted at their 1992 national convention.

Many VA patients have been smoking many years . . . veterans who fought to secure our country's freedoms deserve the right to smoke. . . . Be it resolved that the Department of Veterans Affairs be requested to establish adequate designated smoking areas within all of its facilities.

And, in a letter from AMVETS to the Secretary of Veterans Affairs:

AMVETS will continue to protest the total ban on use of tobacco products in VA medical centers and nursing homes . . . we feel it is not unreasonable that an area . . . be set apart for those veterans who desire to partake in tobacco products during their hospitalization.

Mr. Chairman, the list goes on. The National Vietnam Veterans Coalition, representing over 60 Vietnam Veterans organizations, supports the Staggers amendment. The Retired Enlisted Association supports the Staggers amendment. The Non-Commissioned Officers Association supports the Staggers amendment.

Like me, they have seen the true impact of VA's no-smoking policy. They have seen 80-year-old veterans forced outside in freezing temperatures simply to smoke a cigarette.

Or, even more appalling, they have heard stories like the phone call I received from a constituent last week. This woman's husband was a veteran—dependent on the VA for care. Once the no-indoor-smoking policy went into effect, her husband refused to go back to the VA hospital. Unfortunately, he could not afford other care. She is now a widow.

Mr. Chairman, we are talking about policy which adversely affects one out of every four veterans. The Staggers amendment gives us the opportunity to reach a reasonable compromise which protects all of our veterans. The Staggers amendment simply says that each VA facility is required to provide a single designated indoor smoking area.

I say to my colleagues it is time to respect the wishes of the veterans, for whom we built these hospitals. And the positions of the organizations I've mentioned represent those wishes. Is it not time that we represent those wishes as well? Our veterans want the Staggers amendment and I urge my colleagues to support it today.

□ 1510

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HARRIS], a member of the Committee on Veterans' Affairs.

Mr. HARRIS. Mr. Chairman, I rise in strong support of the Veterans Health Care Amendments of 1992, known as H.R. 5192, and in particular in opposition to the Penny amendment and in strong support of the Staggers amendment.

My district is fortunate to have a VA facility located in Tuscaloosa, AL, and we also have two hospitals, one in Birmingham and one in Montgomery, which borders my district.

I have received complaints from a large number of veterans who use these facilities. They are strongly supportive of the Staggers amendment.

Mr. Chairman, the decision by Secretary Derwinski for nonsmoking in VA hospitals is a decision, as I understand it, that he and Secretary Sullivan came up with. And I might bring to my colleagues' attention that this deal also came to the conclusion that some veterans hospitals should have been opened to nonveterans, and they raised a hue and cry all across this country from our veterans organizations. Frankly, we have almost as much, if not the same amount of opposition, to this latest decision by the two Secretaries. Frankly, I must admit that I am surprised by this administration's action as far as our veterans are concerned in this regard.

There was a time when our veterans were provided cigarettes and C-rations and K-rations. And for us now to take as policy and take a position that these veterans should have to go outside the hospital facility to smoke is absolutely incomprehensible to me. I just do not understand it.

But the gentleman from Minnesota [Mr. PENNY] made a statement about the accreditation. I would point out to my colleagues that there is no legal requirement that Federal hospitals be accredited by any outside entity such as the joint commission that he mentioned. As a matter of fact, the president of the joint commission has acknowledged that the no smoking ruling is a mistake for chronic patients in long-term facilities which are, in fact, the patient's home.

Unfortunately, many in the VA system today fall in that category.

This is also a consideration, and I think it is important. There has been some talk about the expense involved. Well, there may be some expense involved, but we were not really concerned particularly about expense when we asked our veterans to go into war to protect our country. And a lot of us are able today to live in freedom, all of us that these people helped bring about and helped preserve and defend, we need to also understand that in a system of 172 hospitals, where in a lot of areas we are shorthanded, that we are going to end up taking employees away from their duties to take these veterans outside to smoke.

And if we are talking about health concerns, should we not also be concerned, a lot of these people are in bad health to start with. That is the reason they are in the hospital.

And for us to say that they have to be carried outside, whether it is sleeting or whether it is raining or whether it is cold, windy, whatever, and subject them to that to smoke. I think it is hard-hearted. I think it is cruel.

I hope that my colleagues will support the Staggers amendment. I think it is a meaningful, commonsense compromise, and that it will once again put some sense in a policy from the VA hospital or a VA administration that has gone astray.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 5192, the Veterans' Health Care Amendments of 1992. This legislation contains measures to clarify the authority of the Department of Veterans Affairs [VA] to collect from third party insurers as well as amends Public Law 101-366, the Nurse Pay Act.

In analyzing the effects of Public Law 101-366, the Nurse Pay Act, it appears that overall, this legislation is working well. In fact, the turnover rate of VA nurses has dropped 5.5 percent and the VA has reported a negative vacancy rate.

Nevertheless, H.R. 5192 contains provisions to address some problem areas, specifically pay compression at the intermediate and senior grades. In fact, the nurses at the two VA medical centers in my State of Arkansas have been forced to contend with this unfortunate outcome of the Nurse Pay Act.

Therefore, H.R. 5192 will add an assistant director grade in the nurse schedule so that the system will have five grades. This additional grade will enable the VA to distribute its nursing personnel more evenly so as to alleviate some of the compression at certain levels of pay.

Furthermore, H.R. 5192 requires the VA Secretary to conduct a review of qualification standards used for nursing personnel and the correlation between those standards and pay compression at the intermediate and senior levels.

It is my hope that these measures will clarify the intent of the Nurse Pay Act, in order to ensure that the VA has the tools to both recruit and retain highly qualified nursing personnel.

Mr. Chairman, I urge my colleagues to support H.R. 5192.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, first of all, I would like to commend this committee for the great job that they do every year for our veterans.

I rise in support of the VFW, the American Legion, and all the veterans groups that are supporting the Wise amendment. I do not consider this a health issue.

Those of us that have been supporting the veterans for many years, in 1954, I started going to the VA hospital

in Salisbury, NC. And until this day, every chance I get, I go meet with the veterans. And back in those days, when we were all young, we would play volleyball and we would engage in the activities that the veterans were engaged in.

It would be one thing if all of our veterans were young men in their ages from the midtwenties to midthirties, when they would be engaged in a program that would encourage them not to smoke. But we are not talking about trying to get people to quit smoking, or we are not trying to encourage people to smoke. We are talking about here men that have a habit of smoking. Many of them are in their later years. Many of them have problems with depression and other situations that it is just not conducive to them to deny them a place, a small place in a large hospital to where they can go and something that is very important to them and very important to their peace of mind.

It is a habit that they developed over the years, and it just does not make any sense to go and say to these men, "You cannot have a place to smoke, if you want to smoke. You have to go outside in inclement weather," and make their families have to come in and take them outside and watch over them as they go out to a place just to have something they look forward to. Maybe they smoke a half a pack a day. To me this is something that is absolutely incomprehensible, that we would do this to our veterans that have served us so well over the years.

□ 1520

I want to commend the gentleman from West Virginia [Mr. STAGGERS] for offering this amendment. I would hope that every Member of this House would do what I consider to be something that is just basically fair to our people that serve this country. I think it is unfair to treat them as second class citizens, and I think it is only fair that we designate a place that our veterans can go if they wish to smoke, that they have a place that they can go and not harm anybody else and smoke when they want to. I think it is an excellent amendment, and I would encourage every Member of this body to do what I consider to be the humane thing to do and the thing that would not make our veterans second class citizens, let them know if they wish to smoke there is going to be a place made available that will not harm other veterans or offend other veterans, that they can go and they can smoke if they wish to. I think this is just the American way.

I would invite everybody to support the Staggers-Wise amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I, like many people here, have nothing against people that smoke. They have the right to smoke, smoke where they want to. However, over the years I think we have grown up to the idea that possibly second-hand smoke is a very dangerous thing. I happen to remember when we passed the law here that a person could not smoke in airlines in the continental United States. Why did they do that? Anyone who flies a lot, a lot of us who are past pilots, we understand that that smoke in the back of the airplane is just as bad as it is in the front of the airplane. There is no way to get away from it.

The same thing applies in buildings. Having been a land developer, having seen how we develop buildings, I do not know of a way, or who has ever thought of a way, that we cannot have second-hand smoke go right through an entire building.

My father-in-law is 85 years old now. He is dying of emphysema. Why is he dying of emphysema? He worked for 25 years at Hill Air Force Base, and every day he rode in a car where there were smokers, and he worked in an office where there were smokers. This gentleman has never put a cigarette to his lips, but he is dying of it himself because he had to take secondhand smoke.

They talk about those people who are in these veterans' hospitals. They are in there because they are sick. Now are we going to turn around and perpetuate and enhance and make it worse and give them smoke on top of that? That is like going to a hospital and being put on the rack. I cannot understand why anyone would want to do that.

I wish that everyone here could have the experience of having Dr. Charles Edwards come in this room and show us what he does every day of his life. Dr. Edwards is the foremost surgeon responsible for taking care of people who have cancer of the jaw, the larynx, the neck, and the tongue.

He goes all over the West and he shows this picture. He puts it on the wall. He says, "Let me tell you young people," as he goes into high schools, "what this will do to you." Then he talks about secondhand smoke. Let me tell the Members, what it does, it makes people so sick they do not sit there very long.

They take their jaw off. All there is, is an opening in their esophagus. He starts off by peeling their face and putting it up over their head, and their face is sitting on top of their head. Then he dissects the jaw and takes it off. Then he says, "There is absolutely no evidence whatsoever that this is not caused by secondhand smoke. It definitely is." Then he comes to his statistics to explain it.

Look, I have nothing against people that smoke. Some of my best friends are smokers. That is fine. That is up to them. I have noticed that most smokers go out of their way to not put it onto other people.

However, why do we want to back out what the wave of the future is? Americans are catching onto the idea to stop smoking. We have less smoking in America than any other place, and it seems to me it is a giant step backwards if we do not accept the Penny amendment. To me this is a reasonable approach.

I would ask each and every Member to give this some serious consideration. Let us take a step forward. Let us show the rest of the world that we are moving forward on something that is extremely important to the health of Americans and especially to our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentlewoman from South Carolina [Mrs. PATTERSON], who is also a member of the Committee on Veterans' Affairs.

Mrs. PATTERSON. Mr. Speaker, one of the real pleasures that I have had since being a Member of Congress is serving on the Committee on Veterans' Affairs under the outstanding leadership of the gentleman from Mississippi [Mr. MONTGOMERY], and with the leadership of the minority member, the gentleman from Arizona [Mr. STUMP], and the wonderful staff on that committee.

Today I rise in support of a bill that has come through our committee; that is, the Veterans' Health Care Amendments of 1992, H.R. 5192. There are several things in that bill that are of special interest to me that I wanted to share with my colleagues.

One thing is the respite care program. I think many of us know that when someone is ill, it really helps if they can stay at home, if they can stay with their family. We know quite often our veterans want to stay at home, but sometimes their family members need a little break. One of the wonderful things that our VA facilities make available to veterans is care for a short while at one of our veterans' facilities to give the family a temporary break, so that veterans can continue to reside at home. I am pleased that the respite care program will become a permanent part of the veterans' affairs programs under H.R. 5192.

Also in this bill, something important to me is that the bill clarifies that the VA has the authority to collect on Medicare supplemental policies, known as Medigap, for care given since April 7, 1986, for nonservice-connected illnesses. I think this provision is so important because it would bring in much-needed dollars to purchase medical equipment for the Veterans' Administration.

Again, I rise in strong support of H.R. 5192, and commend my chairman, the ranking minority member, and the staff for bringing this important legislation to the floor, and urge my col-

leagues to support this worthwhile legislation.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Penny amendment and against the perfecting Staggers amendment to H.R. 5192.

There are many good reasons to support the Penny amendment. The most compelling of which is the fact that the Joint Commission on Accreditation of Healthcare Organizations, which develops standards for all hospitals in all of our districts, is implementing a smoking ban in all hospitals by January of next year. The intent of the ban is to reduce health risks of patients who smoke as well as other patients and staff who are subject to secondhand smoke, and to reduce the risk of fire. And yet in view of the Joint Commission's ban, we are considering a proposal to allow patients to smoke in VA facilities.

My colleague from West Virginia feels we can reach a compromise on this issue by setting aside well ventilated rooms in VA hospitals for patients to smoke. But, unless these rooms are separately ventilated with a direct external exhaust system, a move which would be very costly, the ventilation system would simply circulate the smoke throughout the building, subjecting other patients to unnecessary health risks. Supporters of the Staggers amendment feel it is a good compromise. But the VA has already implemented a program to reconcile the needs of smokers with those who don't. It has spent $10,000 to $12,000 building outdoor shelters for smokers at each VA hospital. Many of these facilities are heated so veterans can smoke in comfort.

In a letter to all members, Secretary Derwinski stated "You have delegated to the Department of Veterans Affairs the responsibility of providing the highest level of health care to our veterans. The way we can live up to that commitment is by banning both cigarette sales and smoking." I agree with Mr. Derwinski.

Mr. Chairman, I appreciate how many of our senior veterans are smokers and oppose this ban on smoking, but many, many senior veterans are complying with the very same smoking ban nonprofit and other hospitals have adopted. In an era of soaring health care costs in a hospital system which already suffers from inadequate funding, why would we support a policy which will exacerbate health risks and costs, not only for those who smoke, but also for those who don't smoke, but share the facility?

Let us bring the VA hospital system in line with the Joint Commission on Hospital Accreditation's requirements by supporting the Penny amendment and voting down the Staggers perfecting amendment.

□ 1530

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I wish to associate myself with the remarks of my colleagues, Mr. HARRIS and Mr. HEFNER, who spoke so eloquently to this important issue in their remarks just a few minutes ago. This is not an issue of smoking. It certainly is not any effort made to encourage smoking, but really is an issue of dignity.

These veterans have served our country well, and in many cases because of sacrifices that they made on the battlefield, now have acute illnesses or injuries which require that they receive medical treatment in our veterans' hospital facilities. It is unconscionable to me that we would expect those people who have served so well to now be required to go outside in the cold and damp if they want to have a cigarette.

I, like my colleague from North Carolina, Mr. HEFNER, visit veterans' hospitals in North Carolina from time to time. On a cold rainy day last winter I had occasion to visit a veterans' hospital where this policy had been implemented and saw veterans who were outside in bathrobes and with their IVs on a stand, risking further illness from a policy that in my opinion is misdirected.

I firmly believe that the policy of discouraging smoking will not be impeded by the Staggers amendment. It will allow these veterans the dignity of going to a well-ventilated place that is, in fact, separate and apart from all other employees and veterans in the hospital so that there is no danger to other people from secondary smoke. I encourage my colleagues to vote for the Staggers amendment, and I hope that this very fine piece of legislation thus amended will overwhelmingly pass.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to my good friend, the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the ranking member for giving me this time.

Mr. Chairman, passing H.R. 5192—the Veterans Health Care Amendments of 1992—is very important. On that point, I think we all agree. The disagreement arises from an amendment which would permit indoor, designated smoking areas offered by my colleague from West Virginia, Mr. STAGGERS.

We are all familiar with the health issues associated with smoking, and I do not question that these are valid and legitimate concerns. I am a former smoker and a current asthmatic, and I have in the past supported strict antismoking legislation. But sometimes we have to just stop and think about what we are really doing.

We have heard from a number of veterans groups—Veterans of Foreign Wars, National Vietnam Veterans Coalition, The American Legion, AMVETS, Military Order of the Purple Heart, Non-Commissioned Officers Association, and Retired Enlisted Associated—and I have heard from individual veterans from my own district, and they're puzzled, just as I am, as to how we can deny them all that they ask for, one well-ventilated, designated smoking area indoors.

For a number of our older veterans—the VA hospital is home. As these patients—many of whom are in the hospital because of combat-related injuries—live out their days, is it reasonable or humane to make their lives difficult and strip them of their dignity? Is it fair to restrict their ability to enjoy an action that others outside of the VA can enjoy?

This is not a debate about making smoking illegal. This is a debate about a veterans' ability to decide for themselves.

I believe that we should restore the dignity of these adults who have given so much of themselves. I believe that we should give them credit for being able to make their own decisions. And, I believe that we cannot restrict their freedoms when they have fought for ours.

By supporting the Staggers amendment, we can respect the dignity of these men and women who served their country. I am going to vote for it, and I ask my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I ask unanimous consent to yield 7 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], for the purpose of yielding that time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding me time. I am here to support the language of the bill, and failing that the Staggers amendment, because I think it is good public policy. Let me tell Members why.

I recognize that this is a very emotional issue, and I know there are some very impassioned arguments in favor of the Penny-Durbin amendment. But I think before we allow regulations like this to be enacted we need to examine the effect they have on individuals, on individuals.

I want to tell my colleagues a story that I experienced during the August recess that illustrates, I think, why a total ban is a big mistake. During the August recess a woman I know very, very well was hospitalized in a rural hospital in Iowa that had a no-smoking

policy. I think it might be because the Iowa Legislature passed a law, but I am not sure. She was very ill. She was frail, she was weak, she was suffering from a number of medical conditions that were very serious.

She also has been a smoker. She started smoking when she was 16 years old, and she was 76 years old in August. And off and on during her life she had tried repeatedly to stop smoking, and she was successful for about a 2-year period before her husband got sick and she started up again.

But the point is that when she was required by the hospital to stop smoking instantly, and she was smoking about 10 or 12 cigarettes a day, it created a very serious problem for her. She was then under a lot of stress, she was fighting for her life, and she had very serious medical problems. But there she was unable to smoke, and it preoccupied her. It preyed on her and it worked on her, morning, noon, and night. She could not watch television; she was distracted. She could not read the newspaper; she was distracted. All she could think about was her need to have a cigarette.

And since then I have visited with a psychiatrist, a prominent psychiatrist who indicates that smoking is the second toughest addiction to cure next to cocaine, that it is a very serious problem.

I spent several hours with her every day in the hospital, and she left the hospital a day early because she was under so much stress from her inability to smoke. She died 36 hours later.

Let me just say that I know there are a lot of good reasons to try and get people to stop smoking, but this is the limit. I mean Veterans Administration hospitals around the country have an elderly clientele, people who decided long, long ago whether they were going to smoke or not smoke. And for us to impose a blanket rule that allows a little exception is just a big mistake. And I can tell you it contributed to the death of this person that I knew so well, and it was a major policy error by the State of Iowa to impose that on the hospitals if that is where the rule originated. But I can tell you, let us not make that mistake here today.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I would like to thank the distinguished and capable chairman of the Veterans' Affairs Committee for yielding me the time.

Mr. Chairman, I rise in support of this legislation. Not only does the measure that the able chairman brings before the House today include provisions that would improve veterans' health care, but it also addresses a paternalistic policy that is being imposed on our Nation's veterans by this administration.

First let me tell my colleagues why I am joining the veterans in my district in strong support of this bill. The bill extends the VA health professional scholarship program, a program that ensures the quality of health care providers at VA medical centers.

This bill enables the VA medical centers to provide the compensation that is needed to attract and retain top-quality nursing professionals.

This bill, Mr. Chairman, clarifies the veterans' authority to receive payments from private insurers from treatment for veterans with Medigap coverage.

□ 1540

This bill allows veterans to participate in the work therapy program to receive their full disability pensions without penalty, and this bill extends the program that provides grants for the construction and improvement of VA residential nursing facilities.

Mr. Chairman, finally, this bill would allow our Nation's veterans the simple freedom and dignity to choose whether or not to smoke in a veterans' facility. It would do so, Mr. Chairman, without infringing upon the rights of nonsmoking veterans.

Mr. Chairman, this last provision is a flashpoint in my district, and I think across the Nation, and the problem arises like this, and it came to my attention one cold Valentine's day in February 1992, when I was invited along with Members of Congress across the country, and certainly those in West Virginia, to visit our veterans in our respective VA health care facilities. Mr. Chairman, I was absolutely shocked to look out the window as I was touring that facility to see two or three veterans and some of the staff out in a facility, that looked like an open bus stop, smoking cigarettes. I asked the director, "Why are these people out there in the cold?" And it was a cold, rainy day, as had been described here by many of my colleagues, and they explained to me that these people were not allowed to smoke in the veterans' facilities, and I ask why. They went on to say that Mr. Derwinski had laid down this edict.

We went out and visited those veterans and the support personnel who were in that facility, and they expressed the consternation that, frankly, I felt.

Well, I quickly came back and expressed my concern about this policy and joined the gentleman from West Virginia [Mr. WISE] in his legislation to reverse this policy. Today we find a very reasonable provision in this bill supported by the gentleman from West Virginia [Mr. STAGGERS] which would reverse that policy. It is reasonable, Mr. Chairman, because it allows veterans who want to smoke to smoke while not impinging upon the rights of other veterans, because it is in a well-ventilated facility within the hospital, and it does not create this problem of secondary-smoke exposure that some Members have spoken to.

Mr. Chairman, I hope we will support the provisions in this bill.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], also a member of the Committee on Veterans' Affairs.

Mr. CLEMENT. Mr. Chairman, Chairman MONTGOMERY, is a great chairman and does such a fine job for the veterans and heads a great committee that I am pleased to serve on. I rise in strong support of the Staggers amendment to the Penny-Durbin amendment to H.R. 5192, the Veterans Health Care Amendments.

The Staggers amendment requires the Department of Veterans Affairs to provide areas at VA hospitals in which veterans can smoke.

Opponents of this amendment contend that setting aside such areas prevent VA hospitals from meeting the standards of the Joint Commission of Accreditation of Healthcare Organizations. This misses the entire point.

The real issue, in my view, is what rights and privileges do veterans surrender when they enter a VA hospital.

The real issue, in my view, is how far opponents of tobacco will go to deny their fellow Americans the legal right to smoke a legal product in a setting that minimizes the alleged effects of second-hand smoke.

The real issue, in my view, is whether the Secretary of Veterans Affairs and others will accommodate the desires of VA patients, or whether, the Secretary will exercise complete and total dominion over the VA medical system, and force a personal predilection on others.

Mr. Chairman, I am not a smoker. But I defend the right of veterans to smoke and I believe the Staggers amendment is an acceptable compromise that meets the legitimate wishes of a unique population served by the VA system.

I urge my colleagues to support the Staggers amendment.

Mr. Chairman, we all heard the gentleman from Nebraska [Mr. HOAGLAND] speak so eloquently a while ago about a lady that could not smoke but, yet, the tension, the pressure that she was experiencing by simply not having that opportunity and totally restricted against it. Let us ask ourselves the question: If someone lives to be a ripe old age, should they not have certain rights and privileges in society? Are we going to take all of those rights away from them because they happen to be in a VA facility, and we have these hard rules of conduct and deny them those basic privileges that they have enjoyed in the past?

Let them enjoy some dignity in the last few years of their lives.

Support this compromise legislation.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], a member of the committee.

Mr. RIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, this is absolutely one of the most incredible debates I have ever heard dealing with veterans and veterans' issues. It is reaching the point, I think, of absurd, far past ridiculous. I do not smoke. I do not care to smoke. I hope my children do not smoke. I would like the world to quit smoking. I believe it is psychologically and physically addictive.

Mr. Chairman, I am not a born-again nonsmoker. I just do not care for it. Most Americans do not care for it, with justifiable and understandable reasons.

But we are talking about more often than not some aged veterans, older men and women, who do smoke, who are going into a VA medical center for treatment, not dealing necessarily with smoking problems, but some of their health problems might be smoking-related, no doubt about it, and a lot of them are out there, but they are not going in asking the VA to treat them to help them get rid of this problem with smoking. They are going in for other serious health-related matters.

What we are saying to these men and women is, "Oh, we spent hundreds and hundreds of billions of dollars on you to prepare you to fight to defend this country, and we spent billions of dollars to send you to Europe and to Asia and to Central America, and we spent hundreds of billions of dollars for you to get there, to wear that uniform proudly to defend us, oh, but incidentally, if you come into our VA health care facility and you are a smoker, we are going to treat you as a second-class citizen. We are a bunch of born-again nonsmokers, and forget the fact that maybe you are a World War II veteran, and you did not smoke until the Government gave you the Chesterfields on the boat on the way over. Forget about the fact that you have been doing it for 40 or 50 years. When you come into our facility for treatment, for care, forget about the fact that the VA system is supposed to give the benefit of the doubt to the veterans. No, that is different. Forget that we spent billions on training you. Forget that maybe we even get you hooked on the cigarettes to start with. You are a second-class citizen when you walk in here."

This is an absolutely ridiculous debate.

I know what the Joint Committee on Accreditation says. But if we cannot find some way, some dignified, low-cost way of honoring the requests of many of these veterans who may be in long-term health care, maybe have no other place to go for health care, so they can light up a cigarette, a couple cigarettes during the course of the day, then shame on us and shame on the VA.

I want to commend my friend, the gentleman from West Virginia [Mr. STAGGERS]. He and I talked about this on many occasions. I thank the gentleman from West Virginia [Mr. WISE] for bringing his amendment to the floor.

I know the concerns of my colleague, the gentleman from Minnesota [Mr. PENNY]. I know that there is some money involved in this, and I think in one of your "Dear Colleagues" you talked about a potential saving of $6 million, but I am just going to tell you that $6 million does not come close as far as I am concerned to the need for us to retain at all costs the simple dignity and the kind of treatment and the respect that these men and women are entitled to.

I wish they did not smoke. Doctors wish they did not smoke. But they do.

Let us just treat them with the dignity and the respect that they deserve.

Support the Staggers amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wanted to point out the other things that are very important in this legislation. One of the provisions is nurses' pay for VA nurses. This needs to be corrected by this legislation, so we can keep our senior nurses in the system.

We have had a provision in here that we think we can bring more money into the VA health care system from insurance companies that have an obligation to the VA hospitals, but they are not paying. We think we are correcting this, and that we can bring more money into our hospitals.

So I certainly hope, after we have the smoking amendments, that all Members would support this legislation.

Mr. KOSTMAYER. Mr. Chairman, I rise today to support the Veterans Health Care Amendments of 1992. This important legislation will insure that those veterans who need special respite care will continue to get it. It will also extend the Department of Veterans Affairs [VA] health professions scholarship program, which provides incentives and assistance to people who want to enter the health profession, yet find it difficult to pay for.

I support this bill with the hope that one particular provision, which is not in the bill, but is in the Senate version, will be adopted in the conference.

I introduced legislation several months ago to require the VA to install bedside telephones as a pilot program in the Philadelphia VA hospital. The bill has been included in the Senate version of the Veterans health care amendments.

It is unconscionable that in order for a patient to make a telephone call in a VA hospital, one must search for quarters and wander up and down the halls searching for an available pay phone. That it is nearly impossible for a patient to receive a phone call from family or friends is equally disturbing.

The pilot program is included in the Senate version of the bill. Mr. Chairman, I look forward to supporting a conference agreement on this bill that includes the Philadelphia VA hospital telephone pilot project.

Mr. HEFLEY. Mr. Chairman, I rise today in support of the Veterans Health Care Amendments of 1992. My district has a high concentration of veterans who come there to breathe clean air and enjoy the sights of Colorado.

As we drawdown our military, we need to make sure that veterans receive the health care and other benefits that they deserve. When America beckoned, they answered the call. We need to hear their cries for adequate health care.

This bill would help those veterans who need help the most. It provides money to help homeless vets, improve mental health services and addresses post-traumatic stress disorder. The chairman and ranking member of the Veterans' Affairs Committee have done an outstanding job in protecting and expanding benefits for our Nation's veterans. This bill adds to their achievements.

Mr. Chairman, historically, Congress has expanded eligibility requirements to veterans benefits. This has put a strain on our ability to provide quality benefits to those veterans who most need our help. Those with service-connected disabilities have seen shrinking benefits because we are serving more veterans than before. Expenditures on veterans benefits continue to rise, but so do health care costs at a staggering rate. This legislation is needed to help bridge the gap between providing care and quality health care for our veterans who sacrificed so much for our country.

Mr. Chairman, I ask that my colleagues support those veterans who answered the call of their country and vote "yes" on the conference report.

Mr. POSHARD. Mr. Chairman, I rise in support of the amendment to H.R. 5192, offered by my colleague, Congressman HARLEY STAGGERS, which provides for indoor designated smoking areas in VA medical facilities.

I have heard from veterans and their families in my congressional district who have first-hand knowledge of the real difficulties and inconvenience experienced by those who, since the VA's policy change last year, have been required to leave the medical facility if they want to smoke. Such a policy is considered by many of our veterans to be discrimination and harassment, and I agree. Even VA medical center directors who were asked to comment on how the VA's smoking ban was being received, told the Committee on Veterans' Affairs that it creates a special difficulty for elderly veterans particularly in colder climates. In addition, many veterans find it hard to actually transport themselves to an outdoor shelter because of ambulatory problems.

As we know, in many facilities these veterans consider the VA hospital their home and, therefore, should have the privilege of smoking indoors. If we truly want to recognize the sacrifices of those who defended our country in war and peacetime, restoring a simple, compassionate allowance of designated smoking areas in VA facilities is a practical way of doing so.

Mr. RAY. Mr. Chairman, today the House of Representatives is considering H.R. 5192, the Veterans' Health Care Amendments of 1992.

I support this bill. In particular, I support the provision in the bill which allows veterans to smoke in designated indoor smoking areas. I support the Staggers amendment to preserve this provision in the bill.

Mr. Chairman, our Nation's veterans have fought for the freedoms we enjoy today. Many of these veterans call veterans hospitals home, and are there as a result of injuries suffered during war. I believe we must give them credit for being able to make their own decisions. If they choose to smoke, then I believe we must provide them with a safe environment in which to do that. It would be hypocritical of us to take away the freedom of our Nation's veterans to smoke in a VA facility after asking them to sacrifice their lives for our freedom.

The Staggers amendment is a reasonable approach for our veterans. It preserves their dignity without infringing on the rights of nonsmokers. I ask my colleagues to support H.R. 5192 and the Staggers amendment as I do.

Mr. MONTGOMERY. Mr. Chairman, I yield back the balance of my time.

□ 1550

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of House Report 102-907, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health-Care Amendments of 1992".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) PERMANENT AUTHORITY FOR RESPITE CARE PROGRAM.—Section 1720B is amended by striking out subsection (c).

(b) FOUR YEAR EXTENSION OF STATE HOME CONSTRUCTION AUTHORITY.—Section 8133(a) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1996".

(c) TWO YEAR EXTENSION OF HEALTH SCHOLARSHIP PROGRAM.—Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

SEC. 3. TREATMENT OF EARNINGS OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Effective on October 1, 1992, subsection (f) of section 1718 of title 38, United States Code, is amended to read as follows:

"(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) Paragraph (1) applies to the following:

"(A) A veteran's participation in an activity carried out under this section.

"(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

"(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

"(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

"(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 4. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amended—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary"; and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title.".

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) RECOVERY OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The Secretary of Veterans Affairs shall compile a list of the names of each person that issues (or has issued) a medicare supplemental insurance policy and from which the Secretary has recovered the cost of care or services under section 1729 of title 38, United States Code, before June 1, 1992, by reason of the treatment of such medicare supplemental insurance policy as a health-plan contract under such section. The Secretary shall submit the list to the Committees on Veterans' Affairs of the Senate and House of Representatives as expeditiously as possible after the date of the enactment of this Act.

(3) The amendment made by paragraph (1) shall apply as if included in the enactment of section 19013 of Public Law 99-272 (100 Stat. 382).

(4) No recovery or collection under section 1729 of title 38, United States Code, of the cost of furnishing any care or service under chapter 17 of such title that is furnished after September 30, 1993, may be made with respect to a medicare supplemental insurance policy from a person that is not named on the list submitted pursuant to paragraph (2).

(c) USE OF FUNDS RECOVERED FROM THIRD PARTIES.—(1) Section 1729(g) is amended by adding at the end of paragraph (3) the following new subparagraph:

"(C) Payments for (i) the purchase of needed medical equipment, and (ii) such other purposes as may be specifically authorized by law, except that no payments may be made under this subparagraph after September 30, 1993, other than for a purchase for which a contract is entered into on or before such date.".

(2) Such section is further amended by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations for the allocation to the medical centers of the Department of funds for the purposes of paragraph (3)(C). Those regulations shall be designed to provide incentives to directors of medical centers to increase the recoveries and collections under this section by requiring that 20 percent of those funds be made available directly to the medical centers at which such recoveries and collections have been at above average levels. The remaining 80 percent of those funds shall be allocated as the Secretary considers appropriate.".

(3)(A) The total amount spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal year 1993 and the first quarter of fiscal year 1994 may not exceed the amount determined under subparagraph (B). Any of such amount spent during the first quarter of fiscal year 1994 shall be attributed to collections and recoveries under section 1729 of such title during fiscal year 1993 (rather than fiscal year 1994) and shall not be considered for purposes of section 1729(g)(4) of such title to have been in the fund on September 30, 1993.

(B) The amount referred to in the first sentence of subparagraph (A) is the sum of—

(i) the amount (if any) by which—

(I) the amount in the Department of Veterans Affairs Medical-Care Cost Recovery Fund attributable to the recovery or collection during fiscal year 1993 of the reasonable cost of care and services by reason of the operation of section 1729 of title 38, United States Code (other than any amount recovered or collected under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2)), is in excess of

(II) the 1992 CBO baseline; and

(ii) the amount in that Fund attributable to the recovery during fiscal year 1993 of the reasonable cost of care and services under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2).

(C) For purposes of subparagraph (B)(i), the term "1992 CBO baseline" means the amount that was estimated by the Congressional Budget Office in February 1992 to be the total amount that would be recovered or collected during fiscal year 1993 by reason of the operation of section 1729 of title 38, United States Code.

(4) Except as provided in paragraph (3), no amount may be spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal years 1994 and 1995.

SEC. 5. GERIATRIC RESEARCH, EDUCATION, AND CLINICAL CENTERS.

Section 7314 is amended—

(1) in subsection (c), by inserting "has considered the recommendations of the peer review panel established under subsection (d) and" after "unless the Secretary";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In order to provide advice to assist the Chief Medical Director and the Secretary to carry out their responsibilities under this section, the Assistant Chief Medical Director described in section 7306(b) of this title shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

"(2) The membership of the panel shall consist of experts in the fields of geriatric and gerontological research, education, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(3) The panel shall review each proposal submitted to the panel by the Assistant Chief Medical Director and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Chief Medical Director.

"(4) The panel shall not be subject to the provisions of the Federal Advisory Committee Act.".

SEC. 6. NURSE PAY.

(a) NEW ASSISTANT DIRECTOR GRADE IN NURSE SCHEDULE.—(1) Section 7404(b) is amended by inserting "Assistant Director grade" in the table in paragraph (1) under the heading "NURSE SCHEDULE" below the item relating to "Director grade".

(2) Section 7451(b) is amended by striking out "four".

(b) MINIMUM PAY DIFFERENTIAL FOR CHIEF OF NURSING SERVICE AT A FACILITY.—Section 7452(a)(2) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (other than section 7451(c)(2) of this title), the Secretary may adjust the rate of basic pay payable to a nurse serving in the chief nurse position at a facility so as to be a rate of basic pay greater than the rate otherwise applicable to such nurse, but not greater than the rate that is six percent greater than the rate of basic pay applicable to any subordinate nurse at the facility.".

(c) SAVE-PAY AUTHORITY FOR NURSES TRANSFERRING TO ANOTHER FACILITY.—Section 7452(e) is amended by striking out the period at the end and inserting in lieu thereof ", except that in the case of an employee whose transfer to another health-care facility is at the request of the Secretary, the Secretary may provide that for at least the first year following such transfer the employee shall be paid at a rate of basic pay up to the rate applicable to such employee before the transfer, if the Secretary determines that such rate of pay is necessary to fill the position.".

(d) REVISION OF NURSING PERSONNEL QUALIFICATION STANDARDS.—(1) The Secretary of Veterans Affairs shall conduct a review of the qualification standards used for nursing personnel at Department health-care facilities and the relationship between those standards and the compression of nursing personnel in the intermediate grade and senior grade. Based upon such review, the Secretary shall revise those qualification standards—

(A) to reflect the five grade levels for nursing personnel under the Nurse Schedule, as amended by subsection (a); and

(B) to reduce the compression of nursing personnel in the intermediate grade and senior grade.

(2) The Secretary shall prescribe revised qualification standards for nursing personnel pursuant to paragraph (1) not later than April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

(3) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's findings and actions under this section. The report shall be submitted not later than six months after the date on which revised qualification standards for nursing personnel are prescribed pursuant to paragraph (2).

(e) REPORT ON PAY FOR CHIEF NURSE POSITION.—(1) The Secretary shall conduct a review of the process for determining the rate of basic pay applicable to the Chief Nurse position at Department facilities. The review shall include an assessment of the adequacy of that process in determining an equitable pay rate for that position, including an assessment of the accuracy of data collected in the survey process and the difficulties in obtaining accurate data.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and assessment conducted under paragraph (1). To the extent that the review discloses difficulties in obtaining accurate data in the survey process with respect to the Chief Nurse position at Department facilities, the Secretary shall include in the report recommendations for corrective action. The report shall be submitted not later than six months after the date of the enactment of this Act.

(f) REPORT ON PAY COMPRESSION.—Section 7451(g) is amended by adding at the end the following:

"(9) The number of nurses, shown by facility and by covered position, who are on pay retention or in the top step of any grade and, with respect to such employees, comprehensive information, by facility, as to whether an extension of the pay grades was sought for these positions, and with respect to each such request for extension, whether such request was granted or denied.".

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect with respect to the first pay period beginning on or after April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteran who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to purchase and use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations)—

(1) each facility of the Department that maintains a commissary or canteen (A) shall make available through the commissary or canteen tobacco products, and (B) shall assure that each patient or resident shall have the opportunity to purchase tobacco products from that commissary or canteen; and

(2) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in part 2 of House Report 102-907. Those amendments shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1 printed in House Report 102-907.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered by Mr. PENNY is as follows:

Amendment offered by Mr. PENNY: Amend section 7 to read

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) POLICY.—The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

(b) IMPLEMENTATION OF POLICY.—The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

Mr. MONTGOMERY. Mr. Chairman, I have a unanimous-consent request which I have cleared with the parties involved. The request is as follows: that of the 40 minutes available, the gentleman from Minnesota [Mr. PENNY] will control 20 minutes, the gentleman from West Virginia [Mr. WISE] will control 10 minutes, and the gentleman from Arizona [Mr. STUMP] will control 5 minutes, and this gentleman from Mississippi will control 5 minutes.

Then after these amendments have been discussed, we would have back-to-back votes of 15 minutes and 5 minutes, the first vote will be on the Staggers-Wise amendment, and the second vote will be on the Penny amendment, as amended or not.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WISE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WISE. Mr. Chairman, is this the appropriate time for me to introduce the Staggers amendment?

The CHAIRMAN. Yes, it is.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment to the amendment offered by Mr. PENNY.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE to the Amendment offered by Mr. PENNY: In lieu of the matter proposed by the amendment offered by Representative PENNY or Representative DURBIN, amend section 7 to read as follows:

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteram who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

Mr. WISE. Mr. Chairman, if it would be appropriate, I would like to ask unanimous consent that my amendment be referred to as the Staggers amendment in honor of the Member who would have offered it had he been able to be here.

The CHAIRMAN. The RECORD will show the gentleman's statement.

Pursuant to the unanimous consent request, the gentleman from Minnesota [Mr. PENNY] will be recognized for 20 minutes, the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes, the gentleman from Arizona [Mr. STUMP] will be recognized for 5 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from the State of Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the Penny amendment. We spend millions of tax dollars on veterans' health care because we respect the sacrifices our veterans have made. But tobacco kills more Americans each year than all the wars we have fought in this century. Tobacco causes one out of five deaths in America. It is our leading preventable cause of illness and death.

I do not believe tobacco smoking has any place in any health care facility. I think the committee, with good intentions, did a disservice to veterans, both smokers and nonsmokers, as well as to the people who work in VA facilities.

The Penny amendment restores balance and common sense to the VA's policy on smoking. It bases that policy on scientific evidence and good public health practice, and it respects the fact that some patients are addicted to tobacco.

It is a powerful addiction. Nicotine is considered more addictive than heroin or cocaine. It can be very hard to quit. But nearly half of all adults who ever smoked, have quit smoking. You can quit at any age, and your general health will improve dramatically.

Three decades after the Surgeon General's report, everyone outside the tobacco industry knows how dangerous smoking is. And we now know that second-hand smoke can be just as deadly, and we know that you cannot confine smoke to separate rooms in a building. The Environmental Protection Agency is about to classify environmental tobacco smoke as a carcinogen.

Requiring Federal hospitals to expose their patients to a carcinogen is not good public health legislation. The Penny amendment restores common sense and scientifically based public health principles to this issue. I urge my colleagues to support the amendment.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. TRAFICANT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VETERANS HEALTH-CARE AMENDMENTS OF 1992

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the Staggers amendment and in opposition to the Penny amendment. So that we can understand the differences in effect, the Penny amendment is the status quo, it permits the administrative decision to remain in effect that would ban smoking in one single, well-ventilated lounge.

The Staggers amendment reverses that and says by legislation that our veterans in veterans hospitals are entitled to smoke in one single, well-ventilated lounge.

So if you want the present system as it is, veterans going outside, standing in bus shelters, no dignity, you support the Penny amendment. If you want to say to our veterans that, "We may not agree with smoking, we think it is a bad habit, many of us, but for whatever reasons that is where you are, at least you are going to be afforded the dignity of one single, well-ventilated lounge indoors that does not endanger your health further."

Mr. Chairman, I have heard a lot of arguments about Federal hospitals and accreditation. The fact of the matter is that veterans hospitals treat a unique population. They are designed by Congress, they are run by Congress, they are under congressional mandate, and Congress can certainly set the conditions under which our veterans conduct themselves.

In this particular case, I too am concerned about secondhand smoke, but one single, well-ventilated lounge may handle that situation much better than having veterans stand outside, having veterans go someplace else.

Finally, veterans hospitals are not general hospitals. General hospitals are hospitals where you treat a wide range of the population. Veterans hospitals are set up to treat a single population, veterans—not children, not people of all ages with all different types of illnesses—but they are set up to treat a particular group of veterans.

In this case, many of the veterans are World War II era. So I think there are some unique attributes to that.

Finally, I would say, in closing, have you ever worked in a psychiatric ward, a locked ward? I have. Try taking tobacco off of that ward.

Have you ever worked and talked with PTSS patients who are locked up in a room and when you try to work through a lot of the anguish and agony they are going through? I had that opportunity just a couple of weeks ago. Tell them that they cannot smoke.

Have you ever worked with the chronically ill when that is about all that they have got going for them, ladies and gentleman, when you are in a hospital week after week, sometimes that is all you have got, looking forward to a cigarette. Are you going to tell them they have got to go outside to the bus shelter, take that walk out to the sidewalk? I hope not.

So I would urge you to support the Staggers amendment and reject the Penny amendment.

Mr. STAGGERS. Mr. Chairman, let me thank the Members for showing good sense and compassion for those veterans who have served our Nation so proudly by supporting me in my attempt to offer what has been called the Staggers compromise amendment. My amendment is fair, balanced, and reasonable.

I am very interested in helping veterans retain their dignity while they stay within the confines of VA hospitals, nursing homes, and domiciliary. Members should understand clearly that the only way that a veteran who smokes many be ensured to do so within the confines of a VA facility is to adopt the Staggers amendment.

Others may tell you that their approach is better for veterans. That is nonsense. Sending a 75-year-old veteran across an icy path in subzero weather to a tin box with a window is not the compassion that most of my colleagues will support. Many of us are supportive of efforts to have persons quit smoking or never to start; however, I do not believe for 1 minute that my colleagues support the mean-spirited efforts of VA Secretary Edward Derwinski to make veterans go to the outdoors in order to continue a habit they began, in many cases, more than a half-century or more before, through our Government supplying cigarettes to them.

A few may even claim that this is a sound decision by Secretary Derwinski. Don't you believe it. Ed Derwinski and his policies have been no friend to veterans. Ed Derwinski has been so unpopular that the President asked him to resign. Is this the friend of veterans with whom you are going to stand? If you are, consider that your friend, Secretary Derwinski, was asking that VA hospitals be opened to nonveterans, because there was unused space. That proposal, strongly supported by Derwinski, will be the second most unpopular idea proposed by Derwinski, if the House votes to approve the Derwinski smoking ban.

The former Secretary can say this is great for veterans. This is the same Secretary that has not written a single Member of this House about the thousands, and thousands, and thousands of beds that are not in service at VA hospitals. According to information compiled by the House Veterans' Affairs Committee, there may be up to 30,000 beds not in service for veterans. Has the Secretary contacted you about that? No! But he's made a livelihood while making tens of thousands of veterans miserable by forcing them to stand out in the cold if they choose to smoke. But where has Ed Derwinski been as VA hospitals have been servicing fewer and fewer veterans? Has he been here asking us to do more? No he has not. While your veterans have been asking you why it takes so long to get claims cases heard has Ed been here asking for more help?

The truth is that the policy that this Congress can reverse today does not cost millions of dollars. Some of you are being misinformed that it will cost more than $6 million to provide indoor designated smoking areas; what they fail to tell you is that outdoor shelters may cost more than twice that amount. Providing sufficient outdoor shelters is not only bad for veterans, but more costly.

Another bogus argument is that having smoking in the hospitals is somehow a danger to others. However, the draft EPA report opponents have used to justify not smoking indoors, suggests doing just what I have suggested, vent the smoke out of doors.

The third big myth used to defeat my amendment will be to say that if there is a designated indoor smoking facility, hospitals will not meet accreditation standards. Ladies and gentlemen of the House, there are more than 2,200 standards that will be used to accredit hospitals. Surely this one item will not make or break the world. Does anyone really believe that if the Congress says there is to be an indoor smoking area that the standard would not be modified for VA health care facilities? I think not.

The truth is that the Staggers compromise amendment we will be voting on in the next few minutes is extremely important to the veterans of our Nation. The issue here is not a referendum about smoking, it is not a smoking issue, it is an issue of dignity and compassion for all veterans.

The question is not one of cost. As I've already told you, the costs are minimal. And if the opponents are concerned about the costs, they could easily ask that any sale of tobacco, which amounted to nearly $6 million in the last reporting year, be used to provide safe indoor facilities so veterans can be treated with simple decency. The question before the House today is, Can we afford not to treat veterans with respect and dignity?

The Staggers amendment is clearly a vote to show compassion for veterans. The Penny amendment would force veterans into the cold, bone-chilling winters of the north and the blistering heat of the summers in the south. The Staggers amendment sends a clear message to America's veterans: Welcome back, you matter, you are important, and when you are treated worse than criminals, whom I might add parenthetically are allowed to smoke indoors, this Congress will stand with you.

Mr. Chairman, I am extremely pleased to be standing here today, with a fair, reasonable, and compassionate amendment. Let me make it clear to everyone that my amendment calls for deleting the language in the bill that requires the sale of tobacco products but retains the provision that requires that there be a designated indoor smoking area.

Let me urge the Members to support the Staggers amendment to H.R. 5192.

□ 1600

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, every day 1,000 people die from the effects of tobacco. One thousand people die every day. There is no doubt that tobacco is a killer. What we now know is that smoking is one the biggest causes of indoor air pollution. That is a killer. That is what we know.

My district in Houston includes the Texas Medical Center, more hospitals in one spot than any other place in the world, and every one of them is smoke free. That has happened just in a short period of time.

Frankly, the one hospital that held out was the Veterans' Administration Hospital. They would sell tobacco products in the lobby and treat cancer patients on the eighth floor. It is a ridiculous situation and so is this amendment.

Why do we want to put VA hospitals on a level below every other hospital in this country that is treating cancer patients, heart patients, people with emphysema and put those people at risk? That is a ridiculous argument to make.

It is time to keep veterans hospitals right where they are, on a level, on a par with all the other hospitals in this country.

It does matter that hospitals are accredited. It would be a shame because we want to let people smoke in a V.A. hospital that these important institutions would lose their accreditation.

We have got to work to upgrade all our hospitals, all our health care delivery systems, and we have to recognize a changing information flow.

The gentleman who spoke earlier is absolutely right. The only group in this country that says we have a debate about tobacco use and the causes of tobacco is the tobacco industry.

Let us not be fooled by some ridiculous argument. Let us recognize that we have got to upgrade our hospitals, all of them, especially the Veterans' Administration hospitals, to put them and keep them on a level with every other cancer hospital in this country.

Mr. Speaker, I urge defeat of the Staggers amendment. I urge support for the Penny amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Penny amendment. Passage of this amendment will eliminate the provisions within the veterans' health care amendments that require the sale of tobacco products in the canteens at veterans' facilities, as well as designating indoor smoking lounges.

The purpose of the amendment is to bring the VA facilities in line with the standards set by the Joint Commission on Accreditation of Health Care Organizations, which maintains that hospitals should establish standards that call for smoke free facilities. After all, I think we have to recognize that we are dealing with hospitals and health care facilities. I understand there can be exceptions made by the physician in exceptional cases.

As we all know, smoking has been undeniably identified as a primary cause of diseases and death. An estimated 434,000 Americans die each year from smoking-related diseases such as

heart disease, lung cancer and strokes. This figure translates into a mindboggling one in every five deaths.

Also at issue is the problem presented by secondary or passive smoke. The Surgeon General has reported that as many as 5,000 nonsmokers die each year of diseases caused by second-hand smoke. Secondary smoke is also known to cause an increase in blood pressure rates, heart disease or acute cardiovascular problems.

Many proponents of the smoking provisions in the bill have said that this is a matter of dignity.

I have been listening to some of these debates. This statement, however, I do not think is accurate. To the contrary, providing our Nation's heroes with ready access to a deadly substance seems to show little respect for the welfare of those who risked their lives for our country, not to say, of course, some 75 percent perhaps in the hospitals are not smokers and do not care to breathe passive smoke, either.

This is not a matter of dignity—this is a matter of health.

Mr. Chairman, the fact of the matter is this: Veterans deserve the best possible health care. The elimination of smoking in VA hospitals creates a health care policy that encourages non-smoking behavior among a population who already are suffering from health problems.

I commend the gentleman from Minnesota [Mr. PENNY] for his excellent work in bringing this issue to the floor. I urge my colleagues to vote for this amendment that will prolong the health and welfare of our Nation's veterans and those working for their care.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, as a person who represents the Harry S. Truman Memorial Hospital in Columbia, MO, where many veterans are taken care of and their medical needs are provided, many of those are veterans of the Second World War. They are now entering the ages of late sixties and early seventies. They have been smoking for 40 and 50 years, the few that go there.

About a year ago when the policy was put in place, many of those veterans had to tramp out in the winter if they wanted to have a cigarette, out in the snow. There was not any place for them to have that cigarette. If it was raining, they had to go out in the rain.

These people are in the hospitals for sickness. It has been said earlier by the gentleman from Texas that we have people in these hospitals.

Mr. Chairman, these are not just people. These are extraordinary, exceptional people. These are the people, the veterans who have preserved the freedoms that we enjoy today. They are exceptional people. They are people who if they want to have a cigarette, who is the gentleman from Minnesota or anybody else to tell them, "No, you go outside in the rain and the snow to have your cigarette."

They are the same people who during the Second World War who were furnished those cigarettes by the same government.

"Now, it's all right. You just preserved our freedoms. Many of you got shot up and wounded. Some of you may have one leg right now and one arm, but if you want to have a cigarette, you go outside in below winter weather. You go out and tromp in the snow in your housecoat and you have your cigarette."

Why can they not have a cigarette inside the building in a well-ventilated area, as well-ventilated as outside? It does not hurt anybody.

Mr. Chairman, I support the Staggers amendment.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time.

I want to say to my friend and distinguished colleague who represents the Harry S. Truman Medical Center in Columbia, MO, that I appreciate his remarks. I want to convey my thanks on behalf of those at the John J. Pershing Medical Center in Poplar Bluff who hold to the views of the gentleman who represents Columbia. I want to associate myself with his very eloquent statement.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong support of the Staggers-Wise amendment. I do so because I think the no-smoking policy established earlier this year by the former Secretary of Veterans Affairs is really harsh and unrealistic.

I do not smoke, and I might say that Members of Congress who do smoke do not have to go outside to smoke. They can smoke in the buildings. There are designated areas in which you can smoke, both Members and staff.

But really to tell older veterans who have smoked since World War II that they must go outside to smoke is really wrong, Mr. Chairman. I am a World War II veteran. I remember opening C-rations and there were cigarettes for the service personnel to smoke. We encouraged them, through the military we encouraged people to smoke. It is just kind of crazy now that we taught them how to smoke, in the veterans hospital, we are telling them they are going to have to go outside, no matter what the weather is, and do their smoking.

□ 1610

It is hard, I am told, to break the habit of smoking after so long, and it just does not add up to designated smoking rooms inside the hospitals being done away with. Right now, Mr. Chairman, these veterans have to go outside to smoke. Yes, the Secretary says he has furnished covered shelters outside. That is not exactly right. Only 5 to 10 percent, and we checked it with the Veterans Department yesterday, only 5 to 10 percent of these designated areas of 171 hospitals have any type of heating equipment in these shelters. We know none of them have any type of air-conditioning.

So, Mr. Chairman, even though this policy of the Secretary has been in effect, we are saying, "We give you shelter outside, we make it safe and warm," but that has not happened, and this policy went into effect in 1990.

So, I really cannot see anything wrong in designating a room in the hospital where these veterans can go. We are taking away the cigarettes under the Staggers amendment. I do not particularly like that. There is going to be blackmail because they cannot buy them in the canteens anymore under the Staggers amendment. But we are willing to give that up.

But certainly, my colleagues, do not send them out in the cold and send them out in the Deep South where it gets over 100 degrees in the summer and make them have to stand outside to smoke the cigarettes. We taught them how to do it, and now we are pushing them outside.

Mr. Chairman, I hope we will support the Staggers amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman from Minnesota [Mr. PENNY] for yielding this time to me.

Mr. Chairman, I would say to my colleagues who might be following this debate, "If you have not spoken to the director of the V.A. hospital in your congressional district before you vote, I hope you will take the next few minutes and do that. Find out what the smoking policy is, what the implication is of that policy that has been implemented in your hospital and your district."

Here is what I found out about my own hospital in my own district. We have a hospital, and we have adjoining to that hospital a nursing home, and our nursing home patients may still smoke. There is a designated area within the nursing home itself. If verterans organizations or family members will not bring tobacco products to that member, then the hospital staff themselves will, upon a prescription, request by a physician, do that, and they actually have a place in the nursing home dedicated, set aside, for the residents of that nursing home. In the hospital itself next door I hear all these stories about people going out in the rain, the wind, the snow, the sleet. It reminds me of my own parents' stories about walking to school in 10 miles

of snow during their youth. Here is a situation in my hospital. We have adjoining our hospital a prefabricated building. It is heated in the winter. It is cooled in the summer. It is secure. It is lighted. It has ramp access. And that is where our veterans go if they want to smoke. That is where the staff goes if they want to smoke.

My colleagues, how unreasonable is that?

Every year, sometimes several times every year, I go through that VA hospital, and I shake the hands of almost every patient in that hospital. More often than not the hands of the veterans I shake are people who smoke, and they are in that hospital because of the damage to their health of smoking.

Unfortunately, earlier in our Nation's history, our Government policy, our military policy, was one to encourage people to take up the very habit that has led to their hospitalization, and I think a far better, a far better, approach, a far better policy for our Government, is a policy that discourages that kind of behavior, that discourages the very practice that has led to the hospitalization and, unfortunately, to the death of so many of our veterans.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise today in support of treating our veterans with dignity. I am strongly in favor of the Staggers amendment which will require that a well-ventilated indoor smoking room be provided for veterans who choose to smoke while in a Veterans' Administration health care facility.

Since the Department instituted the no-smoking policy in all VA health care facilities, I have received countless letters describing the hazards awaiting veterans who choose to smoke. As my colleagues surely are all aware, veterans are forced to smoke outside, often with no shelter nor any way to directly communicate with facility staff. This scenario needlessly puts veterans in harm's way.

Earlier this year, I joined my West Virginia House colleagues in introducing the Dignity in Health Care Act. This bill would require the DVA to provide veterans with a designated smoking room and allow the sale of tobacco products in the facility canteens.

I was pleased when the Veterans' Affairs Committee included these provisions in the Veterans Health Care amendments. The committee has acknowledged the outcry of our Nation's veterans. They listened to these men and women, some who chose to serve and protect this Nation, some who had this choice made for them, but they all served valiantly and with dignity when they were needed most. It is time that we treat them with the dignity which they have earned and which they deserve. The Staggers amendment which we are considering today represents a compromise between the language which is in the bill and keeping the status quo, at which so many veterans have expressed understandable outrage. This amendment would require the DVA to provide a smoking room for veterans in all health care facilities but it removes the requirement for selling tobacco products in the canteens. I feel that this is a reasonable compromise and one on which all Members should be able to come together.

Mr. Chairman, I urge my colleagues to take some time to listen to what veterans are saying. After risking their lives to defend this Nation, veterans deserve the freedom and power to make this most basic decision about their daily lives. This is not about health; it is about dignity and about assuring that our veterans have some autonomy over their own lives.

I urge all Members to vote to pass the Staggers amendment and assure our veterans their dignity.

Let me leave you with the sentiment that one of my constituents conveyed to me:

> The battlefield upon which I fought was not environmentally sound and there was no warning label that bullets could be harmful to my health. But I stayed to fight anyway. Now it is your turn to fight for me on the battleground of self-determination for veterans who smoke. At least a vote for me and my rights will not put you in harm's way, nor have the potential of leaving you maimed or dead. It's the least you can do.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Staggers amendment. Though I would have preferred the Staggers language in the original bill, I understand the need for a compromise on this very controversial issue.

Mr. Chairman, I know of not one veterans' organization in this country that does not support the Staggers amendment, and, if I am wrong, I wish someone would correct me.

Mr. Chairman, all our veterans are asking for is just one room in each hospital where they can smoke. Nonsmokers would be completely protected from secondhand smoke, and I think that is reasonable.

This is not a health issue, and it is not a smokers versus nonsmokers issue. This is simply whether we are going to treat our aging veterans with dignity.

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN], a cosponsor of the amendment.

Mr. DURBIN. Mr. Chairman, What is the difference between the Penny-Durbin amendment and the Staggers-Wise amendment?

There are two differences, Mr. Chairman.

The Staggers-Wise amendment would mandate veterans hospitals to establish a smoking room within the hospital. We know that that will cost millions of dollars. We also know from the gentleman from Delaware [Mr. CARPER] that veterans hospitals have already established smoking facilities, heated in the winter, cooled in the summer, off the premises of the hospital, and they have done it to the satisfaction of patients. To mandate this is really unnecessary, and it is an expense we should not have to shoulder.

Second and most important, Mr. Chairman, the Penny-Durbin amendment designs the VA smoking policy to protect nonsmokers. Let me tell my colleagues that I have listened closely to this debate, and it can be characterized as a debate about compassion and dignity. My friends, the gentlemen from West Virginia, Mr. STAGGERS and Mr. WISE, raise this issue because of their heartfelt concern about smoking veterans. Those of my colleagues who have seen people hopelessly addicted to tobacco understand those feelings. We understand the pain and the suffering some smoking veterans must endure because others ask to be protected from secondhand smoke.

My colleagues, secondhand smoke is not some political myth. It is a medical reality. The Environmental Protection Agency has made it clear that up to 3,000 Americans a year will die from heart disease related directly to secondhand smoke, and thousands of others will have lung disease. It is a serious health hazard.

□ 1620

In 1987 I sponsored the legislation to ban smoking on airplanes because we came to realize the health hazards that it posed to nonsmoking passengers. This debate is about the same thing. The Stagger-Wise amendment would have us take a step backward before 1987 and expose innocent people to secondhand smoke.

Is there any dignity in exposing 75 percent of the veterans who do not smoke to cancer-causing secondhand smoke? Is there compassion in exposing doctors and nurses, visiting families and patients with lung disease, to secondhand smoke? I do not believe there is.

Many argue we caused the addiction in veterans by force feeding them cigarettes during the war, what a senseless tragedy that was, and we are responsible as the Government for it.

But let us not compound that problem. Are we to conclude that because these veterans had cigarettes in their K-rations they should now be exempt from the ban on smoking on airplanes? That they should now be allowed to smoke where others cannot? I think not.

The health issue is still there. The health issue is still critical. We are not doing our veterans a favor by exposing nonsmoking veterans to cancer-causing

secondhand smoke. How in God's name can we do this? How can we add a section to a so-called Veterans Health Care Act which will threaten the health of veterans? How can we threaten health care workers working with veterans with this action? How can veterans hospitals be asked to become second class facilities, because now they have to bring smoking back on the premises?

Mr. Chairman, you should see the letters from the administrators of these hospitals. They are begging us not to pass the Staggers-Wise amendment. They have made the decision that they are going to be first class medical facilities, just like every other hospital. They are going to ban smoking just like every other hospital because they know how dangerous secondhand smoke is. They respect their patients.

But we listen to a few people and say, "Let's turn the clock back. Let's start treating veterans a little differently. Let's say that we won't give them the same level of high quality medical care."

Please think twice. This is not dignity and compassion. If we make this move, what is next? Will we then have to exempt veterans in regular hospitals? Where does it go? This battle will go on for a long time because we are fighting a huge lobby in the tobacco lobby. We have to continue this battle because this is the number one avoidable cause of death in America, tobacco-related disease.

Until this Congress wakes up to that medical reality, we are not doing veterans or nonveterans a favor.

Mr. WISE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Illinois [Mr. DURBIN] speaks very movingly. Let me just say the 1987 amendment referring to smoking on airplanes is a totally different situation because you could not separate the smoke out. This is a single, well-ventilated lounge within a large hospital. It is a well-ventilated lounge.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE]

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Staggers-Wise amendment. Most of those veterans who are in hospitals today are there because of service-connected injuries or illnesses protecting our rights, your rights, and my rights. The American veteran has earned the right to be able to smoke in a hospital if he or she wants to do so without expending a lot of the taxpayers' dollars in building facilities outside of the hospital.

Mr. Chairman, this only makes sense. It is what they have been doing. It is not going to hurt anything. But it will at least add a little bit of dignity to the American veteran.

The CHAIRMAN. The Chair would advise Members that the gentleman from Minnesota [Mr. PENNY] has 6 minutes remaining, the gentleman from Mississippi [Mr. MONTGOMERY] has 2 minutes remaining, the gentleman from West Virginia [Mr. WISE] has 1½ minutes remaining, and the gentleman from Arizona [Mr. STUMP] has 3 minutes remaining.

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for 5 years the VA medical center in Minneapolis, MN, has implemented a non-smoking policy. This is a new medical center and from the day it opened it imposed a policy to restrict smoking within the hospital building.

Mr. Chairman, this policy has worked. There is no controversy in our region regarding the policy that has been implemented for the 5 years that this new hospital has been available to serve area veterans.

For the past 2 years the Veteran's Administration has tired to implement this no smoking policy throughout the VA health care system, and it has worked. They have done it with sensitivity. They have done it with flexibility. And on a case-by-case basis, where the physician has deemed it appropriate, they have allowed individual veterans or groups of veterans, based on their type of care, to have access to smoking indoors. But as a general rule we are trying to move these smoking facilities outside the main hospital building.

On about 90 percent of our hospital campuses, those structures have now been put in place. By the end of this calendar year every hospital in the system will have adjacent to that hospital a space, a shelter, for those who wish to smoke. Where climatic conditions demand it, those facilities will be heated.

We are now being asked to reverse a policy that has been in place for some time. We are being asked to again require our VA hospitals to set aside space within the hospital building to accommodate smokers.

If we adopt the Staggers-Wise amendment, we will supplant the considered judgment of health care professionals with our political judgment, and that is just plain wrong. It is not only wrong, it is costly. Because to reestablish space within the hospital building will require reconfiguring ventilation systems so that we do not circulate this hazardous smoke throughout the hospital building.

This is an expensive proposition. It is estimated that if we were to establish only a 300-square-foot space within each hospital, we would have to spend $1.72 million. On top of that we would have to spend $172,000 to maintain those new and separate ventilation systems, and we would have to spend upwards of $4.4 million each year to clean not only that room, but other spaces in the hospital that would be affected by ambient smoke. That amounts to $6.3 million annually just to accommodate indoor smoking. That is $6.3 million that we cannot spend to provide additional health care to additional veterans. In a time of tight veteran budgets, I think it is unconscionable to take that kind of money and put it toward this use when we have so many veterans waiting in line for health care.

Mr. Chairman, I also want to respond to the allegation that somehow by restricting smoking in VA hospitals we are treating the veteran population differently. We are not treating them differently. We are treating them exactly the same as any patient in any health care facility in the United States.

The Joint Commission on the Accreditation of Health Care Organizations has made smoke-free policies a part of their accreditation standards. Hospitals, in order to get accreditation, must have a smoke-free environment.

We will set the VA health care system apart from all other health care facilities in America if we reintroduce the right to smoke within these health care buildings. I do not think that makes sense.

Fundamentally, we have a policy in place today that is working. We have a policy in place today that does promote good health and sets an example of good health. Let us not overrule a policy that makes sense for all in America who are looking for health care that is of top quality. Let us reject the Staggers-Wise amendment. I urge adoption then of the Penny-Durbin amendment.

Mr. Chairman. I yield back the balance of my time.

□ 1630

Mr. STUMP. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], a former member of the Committee on Veteran's Affairs.

Mr. SOLOMON. Mr. Chairman, I rise in strongest support of the Staggers amendment, not because I am a smoker, and I used to be. I smoked cigarettes for 30 years. I enjoyed it. But I quit smoking 7 years ago.

I am going to tell my colleagues something, I feel like a new man. I could go down with the gentleman from Mississippi [Mr. MONTGOMERY]. We could play 3 hours of ball down there. That makes me feel great. I would urge everyone to quit smoking.

But Members, this is not about smoking, not at all.

I am going to tell my colleagues something. As the ranking Republican on the Committee on Veterans' Affairs for a number of years, I traveled around this country in many, many cities. I bet I visited over 100 veterans hospitals. Most of the patients in these hospitals, they are people in their late sixties, late seventies, some of them in their late eighties, even older.

Listen to this, most of them are widowers or in some cases even widows. Most have no family at all.

Go into the veteran's hospital back home and ask them if they have a family. Most of them do not even have a family. If they do have family members, they do not live around the corner from that veteran's hospital. They live 25, 50, 75, 100 miles away. And sometimes even several States away. Sometimes all the way across the country. So the veteran's hospital is not just a home away from home. It is the only home that many of these men have.

The only company they have are the people that are in there, the patients, their fellow veterans. Their greatest enjoyment, and we are sitting around here right now, we ought to think about this, their greatest enjoyment is to sit around and talk about the hard times, 30 years ago, 50 years ago, talk about the good times. We do it right here on this floor. I was just talking to the gentleman from Kentucky [Mr. HOPKINS], a former marine. We were talking about what happened when we went through boot camp. That is called camaraderie. And we have it on this floor. And we sit around and we talk about these things that happened 30 and 40 years ago.

But we have a different life, another life. When we leave here, hopefully, we can go home. Those veterans cannot go anyplace. They have no home but right there. That is why we just cannot deprive them of this right. It does not hurt anybody.

If someone is not a smoker and smoke bothers them, they can go to other parts of the hospital. But if they want to sit there with their old crony from 40, 50, 60 years ago, the only friend, the only family they have, what is wrong with that?

Members, please, support the Staggers amendment. All it does is ban the sale of tobacco products in these hospitals, but it sets aside a small room for this kind of camaraderie that these old veterans enjoy so much. Go home and think about that.

Please vote for the Staggers amendment.

Mr. WISE. Mr. Chairman, I yield myself the balance of my time.

I rise in strong support of the Staggers amendment. Once again, if we support Staggers, we are for one single well-ventilated lounge inside the hospital. If we are for Penny, we are for the status quo, which is asking the veterans to step outside.

The fact of the matter is, I heard about these great shelters. They are not in my State. I do not know what State they are in. Maybe they are in a few places.

The gentleman from Mississippi [Mr. MONTGOMERY] has stated that 90 percent of the hospitals do not have these heated, ventilated, access-provided shelters. Indeed, what we are talking about are cheesy bus stops, prefab jobs with no ventilation or with lots of ventilation because they are open to the elements. So with no access to walk there.

I would urge my colleagues to grant our veterans that dignity. I would urge them to look at the veterans organizations, the American Legion, the American Veterans of Foreign Wars, AMVETS, Retired Enlisted Association, Paralyzed Veterans of America, who support the Staggers amendment.

Finally, I would just ask Members to put themselves in the place of a 70-year-old veteran who fought for his or her country in the hospital, in and out, they smoke. We wish they did not, but they do. The fact of the matter is, it is not easy being in a veteran's hospital or any hospital. Can we not bring these veterans in out of the cold?

I hope that my colleagues will remember a Dear Colleague letter I sent them way back of a veteran in a wheelchair, one leg, out in the parking lot being wheeled out for a cigarette because this country could not give him the dignity of one single, well-ventilated lounge.

I would urge support for the Staggers amendment, vote "yes," and vote "no" on Penny.

The CHAIRMAN. Without objection, the Chair will yield back to the gentleman from Minnesota [Mr. PENNY] the additional minute that he yielded back to the Chair.

There was no objection.

Mr. PENNY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, without knowing too much about the issue, I called my veterans' hospital in Wichita, KS, and asked them about this.

They said, "We have been utilizing this policy of no internal smoking lounge for about a year and a half."

Frankly, I was told it works pretty well. The patients are used to it. The employees are used to it. And I got the impression from the gentleman at the hospital that I spoke to that it would actually be more disruptive to the operations of the hospital to do what the Staggers amendment is going to do than to leave the status quo alone.

I said, are there exceptions? They said yes, for psychiatric patients there are, for nursing home patients there are; doctors, in fact, will give prescriptions for cigarettes. There is a lot of flexibility under the current policy to allow people to continue to smoke, if it is needed for their physical or mental health.

But given the fact that we are discouraging people from smoking generally in America, given the health care crisis that we face, given the fact that at least the hospital itself—again, I only talked about my hospital, I cannot speak to all of them—seems to feel comfortable with the current policy, both for their patients and their employees, and given the fact that there are exceptions granted, I would urge the adoption of the Penny-Durbin amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I never lit up a cigarette, and I oppose smoking. But money was made a part of this debate.

Just let me say this to the Members: When our freedom was at stake, money was never an issue. Now that the dignity of our veterans is on the line, money should not be an issue either. I support the Staggers-Wise amendment. And let me say this: One thing we can give those veterans. Let us make sure those rooms have adequate ventilation and protect the safety of those other vets. But let us not strip away the dignity of our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield myself the balance of my time.

Let me state our parliamentary position. We find ourselves, we will vote first on the Staggers-Wise substitute, and then we will vote on the Penny amendment, as amended or not amended. So I would certainly hope that we would vote for the Staggers amendment and against the Penny amendment.

We talked to the veterans hospitals downtown this morning, the man who runs the hospitals; the 171 hospitals we have. He told us, 162 hospitals of the VA have outside smoking shelters. Only 10, listen to this, only 10- to 15-percent are heated and none of them have any air-conditioning.

That is what the Secretary promised us in 1990, we will do outside shelters. They will be heated. They will be protected. They will be covered. That did not happen. The Secretary did not follow up on his promise.

The bottom line is, these veterans who went out and fought the wars that did the job, it is just not right to send them outside and make them smoke. Let us give them the dignity. Let them have a smoking room, and that is all this Staggers amendment does.

□ 1640

Mr. Chairman, I ask for a vote for the Staggers amendment.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Staggers amendment to H.R. 5192, the Veterans Health Care Amendments of 1992, which will give veterans hospitalized in VA facilities the right to smoke in an indoor, well-ventilated room. Supporting this amendment is only proper if we are to give our veterans the dignity and respect they deserve.

I understand there are many concerns about the use of tobacco. I recognize these concerns. However, to deny the right of a veteran to smoke indoors at a hospital designed to care for them is frankly, Mr. Chairman, a disgrace.

Many of these veterans have been hospitalized since World War II or Korea. To continue to prohibit indoor smoking in a specified area of VA hospitals, is a slap in the face of our veterans.

They deserve better than this.

This is not a protobacco amendment. This is an amendment to ensure that the dignity and honor of our hospitalized veterans who choose to smoke is upheld. I hope my colleagues will see this amendment for what it is truly is and support it.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the Staggers amendment to the Penny amendment, and in support of allowing veterans to smoke in an indoor facility in veterans hospitals.

The harmful effects of primary tobacco smoke have been clearly proven, and most veterans, luckily, do not smoke. However, those who choose to smoke today do so with full knowledge of the health risks. For many World War II veterans, the majority of the smoking population of veterans hospitals, tobacco is one of the only comforts remaining in their lives, a luxury initially promoted and provided by the U.S. Government which unknowingly began their addictions while they fought for our freedom. Similarly, many Vietnam veterans prefer to use tobacco to relieve postcombat stress from their days in uniform. I do not smoke, but as a combat veteran myself I can understand these sentiments, and I support maintaining this freedom for these soldiers.

Today more than ever, the potential harm of secondary smoke to nonsmokers has become apparent. As a result, we need to find a creative solution. To insulate nonsmokers from this danger, I support separate, safe, easily accessible smoking areas. These allow the veteran smoker to enjoy tobacco without endangering their nonsmoking comrades. Testimony on this bill has explained it only takes a couple of fans in designated smoking rooms to direct secondary smoke out windows, protecting other residents of the hospital while maintaining the lifestyle of those who put their lives on the line for our great Nation.

I will work to ensure the indoor smoking areas authorized by this bill can be maintained in a manner which affords the greatest possible amount of safety to a hospital's nonsmoking veterans.

Mrs. VUCANOVICH. Mr. Chairman, I am here today to voice my support for the Wise amendment to H.R. 5192. This amendment is a bold effort to protect the rights and dignity of America's veterans.

The Wise amendment to H.R. 5192 will restore veterans' rights to smoke indoors in VA hospitals. Specifically, it will allow veterans to smoke in a well-ventilated designated indoor smoking area. For all our veterans have done for our country, I do not believe this is too much to ask.

This amendment is a very human look at our veterans and their living conditions today. As we all know, many veterans call VA hospitals home—not necessarily by choice.

Veterans have been forced to comply with rules at these hospitals that do not reflect the degree of respect that they deserve.

Veterans in VA hospitals who choose to smoke have been forced to do so in outdoor shed-like structures for months. These structures are not easily accessible, especially for those disabled veterans who depend on wheelchairs and medical devices. They also force veterans to expose themselves to inclement weather.

Many people seem to have forgotten that our VA hospitals were established specifically to meet veterans needs. Most veterans in VA hospitals are there to receive special care, not unsympathetic rules and regulations.

Though most policies are established with good intent, many fail to address personal needs. This failure can be recognized in the strict nonsmoking policy of VA hospitals. We are now being given the chance to reconsider the need of veterans in VA hospitals.

I will vote for the Wise amendment and urge my colleagues to do the same. Our veterans have put their lives on the line for our nation, let's give them the dignity they deserve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that pursuant to clause 2(c) of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote on the Penny amendment, as amended, or not, if ordered, following this vote.

The vote was taken by electronic device, and there were—ayes 338, noes 71, not voting 23, as follows:

[Roll No. 450]

AYES—338

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Inhofe
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones
Jontz
Kanjorski
Kaptur
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—71

Abercrombie
Andrews (TX)
Atkins
Beilenson
Broomfield
Brown
Campbell (CA)
Cardin
Carper
Chandler
Cox (IL)
Doolittle
Downey
Durbin
Eckart
Edwards (CA)
Evans
Fawell
Gibbons
Glickman
Gradison
Grandy
Hansen
Henry
Jacobs
Johnson (CT)
Johnston
Kasich
Kennedy
Kennelly
Kolbe
LaFalce
Levine (CA)
Lewis (GA)
Luken
Machtley
Mazzoli
McCurdy
McDermott
Morella
Mrazek
Olver
Orton
Packard
Pelosi
Penny
Porter
Pursell

Reed	Serrano	Washington
Riggs	Shays	Waxman
Rohrabacher	Smith (NJ)	Weber
Roybal	Stark	Wolpe
Savage	Synar	Wyden
Scheuer	Upton	Wylie
Schroeder	Vento	Yates
Sensenbrenner	Visclosky	

NOT VOTING—23

Alexander	Houghton	McCrery
Applegate	Huckaby	Miller (CA)
Barnard	Hyde	Murtha
Boxer	Ireland	Owens (UT)
Dellums	Lehman (FL)	Rinaldo
Dwyer	Lipinski	Staggers
Dymally	Matsui	Torricelli
Edwards (OK)	Mavroules	

□ 1703

Mr. RIGGS and Mr. SAVAGE changed their vote from "aye" to "no."

Mr. LEHMAN of California, Mrs. COLLINS of Michigan, and Messrs. COX of California, SKAGGS, and GUARINI changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

SEC. 8. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the Secretary of Veterans Affairs shall ensure that procurements authorized under this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract pursuant to the debarment, suspension and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act should purchase only American made equipment and products, when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

(d) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

Mr. TRAFICANT. Mr. Chairman, the amendment is to the point, regardless of where tobacco is to be smoked, it should be American tobacco, and the amendment states that the bill should be subject to compliance with the Buy American Act, and in being in compliance with the Buy American Act, there shall be no fraudulent labels placed on any item sold under the act, and there shall be a report to the Congress, and that all recipients, any recipient, of an award under the act be made and given notice that the Congress encourages the purchase of American made goods and products.

As you know, Mr. Chairman, it is standard procedure for me to attach my "Buy American" amendment to all authorization bills that reach the House floor for consideration. My "Buy American" amendment has passed on a significant number of bills. My amendment would do three things.

First, my amendment makes ineligible for Federal contract or subcontract under this act any company or person that is found to have fraudulently affixed a "Made in America" label to a product that is not manufactured in the United States.

Second, my amendment reminds the Secretary of Veterans' Affairs that all procurements under the act should comply with the Buy America Act of 1933. It also requires a report to Congress on procurements covered under this section of products that are not domestic products.

These provisions of my amendment apply to H.R. 5192 because H.R. 5192 stipulates that reimbursements from insurers that have withheld payments may be used by the Department of Veterans Affairs [VA] to purchase medical equipment or support operations of pertinent facilities.

Lastly, my amendment expresses the sense of Congress that any recipient of grants under the act purchase American-made equipment and products and requires that recipients be furnished with a notice of this sense of Congress. This is not a mandate, but an encouragement. I believe that it is a good message for the Congress to deliver to the states and/or medical centers that will receive grants under the act.

Overall, "Buy American" amendments are good for the American worker, industry and the economy.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, we accept the amendment. We think it is a good amendment on this side of the aisle.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Arizona.

Mr. STUMP. Mr. Chairman, we have no objection. We are willing to accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. No further amendments are in order.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. DIXON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans' health programs, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACEMENT OF MEMBERS' REMARKS IN THE RECORD ON H.R. 5192

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the remarks of the gentleman from West Virginia [Mr. STAGGERS] appear in the RECORD immediately after the beginning of debate on the Staggers amendment as offered by Mr. WISE.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1354

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Washington [Mr. CHANDLER] be removed from the list of cosponsors of H.R. 1354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1710

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, DECEMBER 4, 1992, TO FILE 22 INVESTIGATIVE REPORTS

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m. on Friday, December 4, 1992, to file 22 investigative reports. This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

VACATING 60-MINUTE SPECIAL ORDER AND SUBSTITUTING A 5-MINUTE SPECIAL ORDER

Mr. OBEY. Mr. Speaker, I ask unanimous consent that my name be removed from those listed for 60-minute special orders this evening and that I may be allowed to substitute a 5-minute special order instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5368, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

The Chair hears none, and, without objection, appoints the following conferees: Messrs. OBEY, YATES, MCHUGH, LEHMAN of Florida, WILSON, SMITH of Florida, VISCLOSKY, ALEXANDER, WHITTEN, EDWARDS of Oklahoma, PORTER, GREEN of New York, LIVINGSTON, and MCDADE.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees and to change the designations.

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act. The first reading of the bill shall be dispensed with. Points of Order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 584 is the rule providing for the consideration of H.R. 1637, the Black Lung Benefits Act.

The rule waives points of order against consideration of the bill for failure to comply with clause 8 of rule XXI, which requires a Congressional Budget Office pay-as-you-go cost estimate to be included in any legislation providing for or changing receipts or direct spending.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

Further, the rule makes in order the Committee on Education and Labor amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered as read.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified in the report. The amendments are not subject to amendment nor to a demand for a division of the question.

Mr. Speaker, the Rules Committee made in order all the amendments submitted to the committee except one. That amendment was opposed by the chairman and ranking member of the Budget Committee because of its cost, $4.55 billion over 5 years, would cause the Education and Labor Committee to exceed its allocation of entitlement authority. If adopted, the amendment would cause an end-of-session sequestration from programs such as Medicare, guaranteed student loans, vocational rehabilitation and social services block grants.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1637, the bill for which the Rules Committee has recommended this rule, would amend the Black Lung Benefits Act to ensure that process of determining eligibility for black lung benefits is objective and that beneficiaries and their families and survivors are treated fairly.

In six oversight hearings over the last 2 years, the Education and Labor Committee discovered that the Black Lung Benefits Program had been restricted to the point that fewer than 5 percent of the miners' claims are approved. The Committee heard repeated testimony that retired miners and their families have been terrorized by unscrupulous collection agencies hired by the government to reclaim benefits legally paid to claimants while their cases were on appeal.

H.R. 1637 is designed to make the determination of eligibility for black lung benefits fairer and speedier. In addition, the bill would remove the over-

payment repayment requirement if those receiving interim benefits are later found to be ineligible.

Mr. Speaker, I ask my colleagues to support this rule so that we may proceed with consideration of the merits of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I thank my good friend, our great chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to this rule, because it makes in order four Republican amendments that were submitted to our committee. I point out that had these four amendments been incorporated into H.R. 1637 by the Committee on Education and Labor, it is likely that there would be very little opposition to the bill.

I want to congratulate the authors of our Republican amendments, the gentleman from North Carolina [Mr. BALLENGER], the gentleman from Ohio [Mr. BOEHNER], for their leadership and their sincere desire to produce a workable black lung benefits reform bill.

As my colleagues know, this bill is unacceptable, as currently written, and it will provoke strong veto response from President Bush. It provides an unjustified expansion of new benefits without prescribing a method for paying for them.

□ 1720

It declares in effect that every mine worker in America has won the lottery.

Mr. Speaker, I have a letter here from Richard Lawson, the president of the National Coal Association, that points out that the 20-year cost of this legislation could be as high as $8 billion.

Mr. Speaker, I will incorporate this letter into the RECORD at this point, as follows:

NATIONAL COAL ASSOCIATION,
Washington, DC, September 22, 1992.

Hon. DAVID DREIER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DREIER: Shortly the House will consider H.R. 1637, the "Black Lung Benefits Restoration Act of 1991". We urge you to oppose this measure.

Since inception of the black lung program the coal industry has pursued two basic objectives: (1) elimination of coal workers pneumoconiosis (CWP); and (2) equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, the independent actuarial accounting firm of Milliman and Robertson estimates that the bill will result in minimum short-term (five years) costs of $300 million with twenty-year programmatic costs of up to $8 billion dollars.

These costs would result from:

The imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

The return to pre-'81 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

The statutory mandate that every claim filed and denied since 1982 (86,000) can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

The coal industry cannot and will not support a measure which will return to the days prior to 1981 where benefits were awarded without establishing a casual relationship between exposure and medically diagnosed CWP. We urge you to oppose H.R. 1637.

Sincerely,

RICHARD L. LAWSON,
President.

Mr. DREIER of California. Mr. Speaker, I also include the following material:

STATEMENT OF ADMINISTRATION POLICY

If H.R. 1637 were presented to the President, the Secretary of Labor would recommend a veto. The most objectionable provisions of H.R. 1637 would:

Require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. This would cost the Black Lung Disability Trust Fund, which is now approximately $3.5 billion in debt, an additional $30 million.

Repeal the Department of Labor's existing authority to collect interim disability benefits it pays to black lung survivors whose claims are ultimately disallowed. The Government has fiduciary obligations as administrator of the Black Lung Disability Trust Fund. This requires collection of overpayments from recipients who have the resources to make repayments without undergoing hardship.

Provide benefit entitlements to survivors of disabled miners, even if the cause of death was unrelated to black lung disease. This would reverse 1981 amendments to limit such benefits to cases where the cause of death was due to occupational respiratory disease. It would also, for the first time, require continued payments after the surviving spouse remarries.

Expand the circumstances under which fees are payable to claimants' attorneys. No fees should be paid until and unless the individual claims are ultimately found to be meritorious.

These provisions would be costly and violate the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990 because no offsets are provided.

SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO

H.R. 1637 would increase direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). No offsets to the direct spending increases are provided in the bill. A budget point of order applies in the House against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 1637, enactment of this legislation would add to the end of year pay-as-you-go requirement, which must be met to avoid sequester.

OMB's preliminary scoring estimates for this bill are presented in the table below. Final scoring of this legislation may deviate from this estimate. If H.R. 1637 were enacted, final OMB scoring estimates would be published five days after enactment as required under OBRA. The cumulative effect of all enacted legislation on the pay-as-you-go requirement will be issued in monthly reports transmitted to Congress.

ESTIMATES FOR PAY-AS-YOU-GO

[In millions of dollars]

	Fiscal years						
	1992	1993	1994	1995	1996	1997	1992–97
Outlays		28	15	10	7	7	67

Mr. Speaker, that cost will be passed on to electric utility customers in the form of higher monthly bills.

The letter also makes note of the fact that this legislation awards generous benefits without establishing even a casual relationship between exposure and medically diagnosed black lung disease.

Mr. Speaker, I am pleased that we will make in order the Ballenger and Boehner amendments, and I urge my colleagues to support these amendments. I urge support for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time.

Mr. Speaker, yesterday I testified before the Rules Committee that while H.R. 1637 would make significant inroads in addressing the plight of coalfield citizens afflicted with black lung, I had two amendments that I would have liked to offer to the bill.

The rule we are considering today to govern debate on H.R. 1637 does not afford me the opportunity to offer these two amendments. While I believe these amendments would have strengthened the measure, I will support the rule because the bill as reported by the Committee on Education and Labor is still a measure that must be considered by this House, and deserves our support.

However, for the record, I would like to advise my colleagues of what my proposed amendments would have accomplished. In order to understand the context of these amendments, it should be noted that Congress passed the Black Lung Benefits Reform Act in 1977 because of its dissatisfaction with the low approval rate for black lung benefits.

Today, in 1992, in part because the Labor Department did not fulfill its mandate under the 1977 act, we are once again seeking legislation.

The 1977 statute required the Labor Department to adopt interim eligibility standards that were to be no less

restrictive than what had been in effect on June 30, 1973; a reference to a set of standards previously used by the Department of Health, Education and Welfare.

The problem is that the interim standards promulgated by the Labor Department were far more restrictive than HEW's. Moreover, the permanent standard adopted in 1980, and the 1981 amendments to the act, further aggravated the situation and the number of claims approved continued to plummet.

According to a 1990 GAO report, between 1973 and 1988 less than 10 percent of claims were approved.

This low claim approval rate does not attest to any reasonable and unbiased comportment of the facts. As evidenced by recent allegations of widespread tampering with dust monitoring devices, it must not be interpreted as meaning less people are being afflicted with black lung.

Rather, the low claim approval rate that Congress sought to address in 1977, and that we are again seeking to rectify with H.R. 1637, is due to years of administrative maneuverings over the program's eligibility criteria.

Under H.R. 1637, we will return to a program that more closely reflects the statutory commitment Congress, and indeed, the Nation, made to compensate those coal miners who suffer from the crippling effects of black lung. I commend the Education and Labor Committee for reporting this measure.

However, and with all due respect to the committee, while section 3 of the bill contains helpful provisions relating to the evidence a claimant or opposing party must provide, my great fear is that these provisions could be subject to the type of misinterpretation that would once again thwart our purpose.

My first amendment, on the other hand, would have clearly imposed the type of eligibility standard originally intended by the Congress in the 1977 act by reiterating that a claimant can establish a rebuttable presumption of black lung with a single piece of qualifying evidence.

The second amendment I sought to offer would conform this change with the provision of H.R. 1637 that provides for a de novo review of refiled claims. Under section 8 of the bill, claims originally filed between January 1, 1982, and the date of enactment of the bill, if refiled, would be reviewed under the legislation's standards.

My amendment would have conformed the scope of this provision with the changes envisioned by my first amendment by providing for the refiling, and review, of claims originally filed after January 1, 1974. I use this date because the 1977 act required a review of claims previously denied under what is known as part C of the Black Lung Benefits Act, meaning those claims filed after January 1, 1974.

As with my first amendment, this date is premised on the need to correct the injustices that were done in the Labor Department's implementation of the Black Lung Benefits Reform Act of 1977.

Mr. Speaker, I would note that in the event H.R. 1637 is not enacted into law this year, it is my intent to continue this battle next year.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise in support of the rule House Resolution 584, providing consideration of H.R. 1637, the Black Lung Benefits Resolution Act of 1992.

I testified yesterday before the Committee on Rules to brief the members of that Committee on our work. They are aware of the fact that for the past 3 years, the Subcommittee on Labor Standards has been working on legislation to reform this program. As the committee report makes clear, we conducted a series of hearings throughout the coal fields. Eventually we drafted and introduced a comprehensive bill that addressed all of the problems that had been brought to our attention. That legislation, which bore the same resolution number as the measure before the House today, was vastly different in the scope of complaints that it sought to correct and especially in its budgetary impact.

This measure addressing the most acute needs of our disabled miners was approved by the Education and Labor Committee on July 29, 1992, and comes before you today with a CBO estimate of $65 million over 5 years. In negotiations with all parties interested in this issue we discussed the possibility of working out a bipartisan compromise. We came close to achieving that goal, even though Mr. BALLENGER and Mr. BOEHNER were most cooperative, we were still unable to achieve a universally acceptable agreement.

House Resolution 584 provides adequate opportunity for discussion and approval. All of the amendments offered by minority members of our committee were made in order to assure complete consideration. Budgetary impediments precluded making in order an additional amendment that would have restored many of the generous provisions of our earlier bill, reluctantly conceded during committee consideration of this bill. I understand the basis for the Rules Committee decision to limit amendments to those printed with the rule. I have also received a copy of a letter from the Budget Committee which further explains the Rules Committee decision with respect to amendments.

In conclusion, I am satisfied with the rule and urge my colleagues to expeditiously ratify the rules that we may proceed to consider the substantive merits of this important proposal.

Mr. DREIER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the Whole House on the State of the Union for the consideration of the bill, H.R. 1637.

□ 1726

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will continue to support this legislation, but I ask unanimous consent to yield control of the bill to the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY], who has worked so long on preparing this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURPHY] will control the time, and is recognized.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for all his cooperation in this respect.

Mr. Chairman, today I rise in support of the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. We are near the end of a long road. The Subcommittee on Labor Standards initiated hearings on black lung at the beginning of the second session of the 101st Congress. These hearings highlighted the frustration of America's miners and gave impetus to our original legislation, and it still guides our efforts today.

Too many people have told me that they feel ignored by the very system that was established to offer them help. The U.S. Congress intended black lung benefits to be a means of support for miners broken by years of coal mine service. To unfairly deny miners access to these funds is a travesty. Miners and their families have come to

believe that the administrators of the Black Lung Program over the last decade have forgotten that the Government is there to help. In many instances, the Government has become the adversary. The authors of this program never would believe that any of this is happening.

Over the past 3 years, the subcommittee has worked diligently to craft compromise black lung legislation that would return fairness to this program while living within budgetary limits. We have consulted numerous groups and organizations with an interest in this legislation and worked hard to take into account the concerns of the unfortunate people served by this program.

I had hoped that I would be able to bring a bipartisan substitute before the House. H.R. 1637 was reported unamended by the Committee on Education and Labor earlier this month, and I believed this was a signal that most people were finally interested in remedying the many ills afflicting the Black Lung Program. Unfortunately, this was not the case. While many parties showed genuine good faith and willingness to compromise, others refused to budge.

While this situation saddens me, I believe H.R. 1637 is still a good bill for miners. The purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, to ensure that survivors of beneficiaries are fairly treated and properly cared for, to encourage legal representation for claimants, to avoid hardships for initially approved but subsequently denied claimants, and to restore basic fairness to the program.

In closing, I would like to commend the hard work and distinguished leadership of the National Black Lung Association and Education and Labor Committee Chairman, WILLIAM FORD. His efforts on behalf of America's retired miners are truly outstanding examples of compassion and courage. I encourage my colleagues to pass H.R. 1637, and return justice and fairness to a long neglected and deserving group of people.

□ 1730

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1637. While this represents a significant improvement over the provisions contained in H.R. 1637 as introduced, I still have serious concerns about many of the provisions in this legislation.

Over the past years, we have seen reduced dust in coal mines and improved health of coal miners to the point that it is now rare that a miner is totally disabled by complicated black lung disease.

Keeping that in mind, I believe it is important to award compensation to miners who are totally disabled from black lung disease provided that the disease arose out of coal mine employment. Regulations for determining this level of disability have been changed from time to time, but current rules require several medical procedures and tests to determine eligibility for benefits. This bill, however, goes far beyond congressional intent concerning the Black Lung Benefits Program.

As we consider H.R. 1637, it is important to remember the original purpose of the program. It began almost as an afterthought to the passage of the Federal Coal Mine Safety and Health Act of 1969. It was intended to be a temporary program of limited size, cost, and duration. It was designed to compensate for disability and death due to occupational exposure to coal mine dust. Claims filed through 1973 were handled by the Social Security Administration. Those filed after 1973 were to be the responsibility of State workers' compensation programs.

Under the law, if a State did not provide adequate coverage for claims filed after 1973, the benefits were to be provided by the coal company responsible for the miner's illness. If no such company could be clearly identified, the benefits became the responsibility of the Department of Labor.

It should not surprise anyone that no State stepped forward to develop adequate coverage. At the same time, 8 years after the start of the program, the Department of Labor had been about to identify only 25 to 30 percent of the responsible coal companies, and even in these cases most of the liability was being argued in court.

In response, Congress established the black lung disability trust fund in 1977. The trust fund is supposed to be financed by taxes on coal operators. Despite a doubling of the tax rates in 1981, a 10-percent increase several years later, and $1½ billion bailout in the 1986 Reconciliation Act, the trust fund was $3.6 billion in debt as of the end of fiscal year 1992.

The current program, as amended in 1981, requires medical diagnostic testing and evaluation to prove the disability. The principal purpose of the 1981 amendments was to ensure that entitlement on claims filed in the future would be based not on presumptions, but on actual proof of total disability due to black lung disease arising from employment in the coal industry.

In a March 1990 report, the General Accounting Office concluded that medical experts found the current medical criteria to be reasonable for determining whether or not miners are totally disabled by black lung disease.

I remain concerned about the cost of this bill. While it is significantly less costly than the earlier version of the bill, it carries a price tag of $65 million over 5 years. Since the bill increases direct spending, it would also violate the pay-as-you-go provisions of the Budget Enforcement Act. The Congressional Budget Office estimates a 3-year pay-go impact of $51 million.

Presently, the Department of Labor is required to collect overpayments from claimants who have the resources to make repayments without undergoing hardship. Claimants who qualify for a waiver by meeting certain criteria are not required to pay back benefits.

The bill would require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. CBO has estimated that the cost of returning benefit repayments to claimants going back to 1973 would be $30 million over 3 years. This could involve 800 to 850 cases at an average cost of $30,000 to $40,000 per case. Additionally, the black lung trust fund would lose $5 million per year in overpayment collections which could not be pursued under this bill.

Another section in the bill provides for the payment of benefits in instances where none are justified. Specifically, it would provide for the payment of survivor benefits even where the cause of death was totally unrelated to black lung disease. It would also, for the first time, provide for continued payments after the surviving spouse remarries.

This bill requires the payment of attorney's fees during the pendency of a claim and would require payment by either the trust fund or the responsible operator to the claimant for reimbursement of attorney's fees—even if the claim is unsuccessful. This would be an open invitation to the filing of frivolous or fraudulent claims.

Lastly, section 8 of the substitute would allow for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1982 and the date of enactment of this substitute. Any claim denied since 1982—which could involve as many as 86,000 claims—could be refiled for reconsideration. The law currently permits refiling of cases with new medical evidence or material change. Under H.R. 1637, new law would be applied to old cases that had previously been denied.

I have always admired the devotion of the subcommittee Chairman MURPHY to this issue; however, I simply cannot support his bill for the reason discussed. I believe that in this time of fiscal restraint, we should not be gouging the taxpayers in this fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, for purposes of debate only, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL] who has been exceptionally helpful in crafting this legislation during the past 10 years.

Mr. RAHALL. Mr. Chairman, as it now stands, disabled miners who suffer

from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

Today, according to a recent General Accounting Office report, we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well-being of this Nation.

We are faced with other problems as well. Among them: the long period of time it takes the Labor Department to process a claim, the inability to find legal representation, the denial of benefits to widowers, and perhaps one of the most insidious of them all, government attempts to seek repayment of benefits paid under claims that are appealed years after the initial payment was made.

This was, however, originally envisioned by Congress as being a fairly straightforward program.

Yet, through years of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant.

This type of philosophy certainly does not represent the statutory commitment we made to compensate coal miners and their families.

The pending legislation, H.R. 1637, contains a number of provisions aimed at addressing the bona fide concerns of those who are afflicted with black lung.

I urge the House to approve this legislation. Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their government. And they are people who now see their government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

□ 1740

Mr. PETRI. Mr. Chairman, I yield 6 minutes to my distinguished friend and colleague, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991.

As a cosponsor of this measure, I wish to commend Congressmen MURPHY and RAHALL and Congressman PERKINS for their leadership in bringing this bill to the floor. It is long overdue.

I also want to pay tribute to a special group that has worked long and hard on this bill—the Kentucky Black Lung Association—without their determination and absolute commitment, I am convinced that we would not be on the floor today debating this bill. So to them, thank you.

The current process for applying for black lung benefits is too long, too expensive, too burdensome and simply unfair to thousands of coal miners.

It is an extremely adversarial procedure for coal miners who do not have the expertise or the money to substantiate their claims.

Finally, we—the Congress—have an opportunity to correct inequities that have developed over many years in this program. Let me mention a few.

First, the current approval rate of less than 5-percent discourages many miners from even applying for benefits. Typically, a coal miner must put together a medical file, gather expert testimony, submit to numerous repetitive medical tests, and obtain medical witnesses in order to rebut the mountains of evidence that coal companies typically present.

This bill makes changes in the program which streamline the process, making it simpler for coal miners to get the black lung benefits they deserve.

Second, it ends the requirement that benefits be repaid if they were once authorized and later—sometimes years later—reversed. The financial and emotional burden caused by this policy is overwhelming and unfair, because almost all of the coal miners who receive black lung benefits are people with limited resources. The bill restores fairness to the Black Lung program for miners, widows and their families, by acknowledging that the government authorized these payments based on the evidence submitted.

Third, the bill sets reasonable limits on the evidence which both the miner and coal company can offer. At each of its oversight hearings, the House Subcommittee on Labor Standards heard the same story: Volumes of medical reports by armies of doctors are used to refute a single piece of evidence submitted by the miner. Rarely can a miner match a company's ability to accumulate evidentiary exhibits.

This legislation stops a well-financed coal company from submitting numerous examinations and reams of expert testimony against the miner whose personal resources are so obviously limited.

Finally, this bill allows any miner whose black lung claim was denied after January 1, 1982, to have his claim resubmitted under the new criteria that this bill provides.

H.R. 1637 restores balance in the program. It will help disabled coal miners and their families. And it's urgently needed. Support the bill.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from southeastern Ohio [Mr. APPLEGATE], who has long shown a great interest in preserving the interests of mine workers in his State and mine.

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding. I wish to state the appreciation that I have for the hard work that the gentleman from Pennsylvania [Mr. MURPHY] and the gentleman from West Virginia [Mr. RAHALL] have put into this.

Mr. Chairman, coal miners who have earned their living in the coal mines are now getting the shaft. Working under the dirtiest possible conditions, breathing in coal dust, clogging their lungs and forced out of work.

Mr. Chairman, if you have never been down in a mine, you know nothing about it. But it is the absolute pits when it comes to working. Ninety-five percent of these people who are put out of work and file for black lung are denied. Only 5 percent of those who apply are getting it, and they are subjected to the absolute worst kind of conditions to work in.

If a miner's claim is OK, he gets the benefits. But if it is contested, then they become interim payments. If the company wins that appeal, then those interim payments have to be paid back.

Mr. Chairman, let me tell my friends, that is a lot of money. Many times the miners just simply do not have it. It is a terrible hardship on these people and on their families. With no income and no way for these coal miners to work, it is very difficult for them not to have to spend that money. So then what happens is that many of them are forced to go on welfare and collect food stamps, and this destroys the dignity of the coal miner, hardworking people who just want to do what everybody else does.

Their own Government is working against them. I can tell Members that since the Reagan and Bush administration came in in 1981, they have provided the legislation and the leadership to choke off these benefits from these people just to protect the companies. They do not give a damn.

Mr. Chairman, let me tell Members, up until the time that this legislation first went into effect, there were 400,000 coal miners who died of pneumoconiosis. Many of these are veterans. Many of these are veterans who gave their working life.

These people, all they want to do is house, clothe, and feed their families, just like any other working people.

Then to get black lung and then not be able to provide for their families, I have seen it in my own family. My wife's father and her brother-in-law both had black lung, and it is a terrible thing.

Mr. Chairman, I therefore rise in support of H.R. 1637. It will correct some of these very terrible inequities for these coal miners. I would hope that this House would see fit to pass it overwhelmingly and send a message back saying to America's coal miners that we support you and understand the problems that you are facing, and we want to be there to help, as we were in the early 1970's.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. BALLENGER], a member of the Committee on Education and Labor.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are considering H.R. 1637, and we are urging Members to oppose this measure.

Mr. Chairman, since inception of the black lung program the coal industry has pursued two basic objectives: First, elimination of coal workers pneumoconiosis [CWP]; and second, equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, an independent actuarial accounting firm estimates that the bill will result in minimum short-term—5 years—costs of $300 million with 20-year programmatic costs of up to $8 billion.

These costs would result from:

First, the imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

Second, the return to pre-1981 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

Third, the statutory mandate that every claim filed and denied since 1982, 86,000, can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

□ 1750

We should not support a measure which will return to the days prior to 1981, where benefits were awarded without establishing a causal relationship between exposure and medically diagnosed CWP. I urge my colleagues to oppose H.R. 1637.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I first want to compliment the chairman for his efforts over many years on behalf of coal miners and his whole committee for bringing this legislation to the floor. I rise in support of it and the release it will bring to many miners who have suffered physical disability from years of labor in our Nation's coal mines.

This measure will expedite the process by which black lung benefits are provided. By doing so, it would make that process more equitable, more accessible and more in keeping with the intent of the black lung program as initially conceived.

Today, unfortunately, many miners whose claims have been overturned are forced by the Government to repay benefits they received during the appeals process.

Mr. Chairman, these are not wealthy people and repayment of benefits, benefits which in many cases were being received for years and accumulated to large amounts of money, imposes a real hardship, an unfair burden.

Miners should not be penalized because the Labor Department has failed to resolve their cases in a reasonable amount of time. The Government should pay for its own delay and this bill does that.

Also this measure reduces the time it takes to resolve black lung claims by limiting opinions and counteropinions offered by the medical community. Widows are protected in this legislation. The bill makes it easier for widows to receive survivor benefits and would protect most benefits upon remarriage by a widow.

Over the years, Mr. Chairman, I have witnessed first hand the injustices of the current system. The black lung benefits program is in desperate need of improvement. The remedial purposes of this legislation have been frustrated by the processes which miners have had to go through in order to receive their benefits. In many cases, the process has been so long that miners are either invalids or are deceased by the time the issue is resolved. This legislation addresses those inequities, returns the legislation to its original purpose, and I strongly support it and ask the support of our colleagues.

Mr. PETRI. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I come not from a coal-mining area. I think one of the beauties of being in Congress is that one learns a lot by listening to Members from other parts of the country. I will be presenting a view that looks at this, the black lung trust fund, as some kind of a legal trust and a legal entity that we have to respect.

Certainly, the substitute of the gentleman from Pennsylvania [Mr. MURPHY] is a much improved bill than what we started out with, but I still see, and this is somewhat from the view of an attorney, that there are inequities in the bill. And I know that it wil cost a great deal more of expenditures of black lung benefits.

I see this as a movement, and understandably, I guess, back toward an entitlement program. But it was not intended to be that. It is a program that was supposed to be looking at the liability aspect of it. I think also we are approaching the black lung trust fund as if it were an unlimited source of benefits where there is just no bottom and regardless of the eligibility of a claimant for benefits.

I wish that all of the amendments that are being presented would be accepted. I understand one is being accepted and that is to the credit, I think, of the proponents. As has already been pointed out, according to the view of Nohman and Roberts and actuaries, and I have not seen anything to the opposite, that the total cost of operators of the coal companies in the black lung trust fund over the next 20 years could amount to $8 billion. That would cover all of the various provisions of this bill.

Not all of that, of course, affects the black lung trust fund, but it does represent increased costs for both operators and the trust fund, and there is no such thing as a free lunch. Those increased costs will pop out and be represented in higher utility fund costs and a number of other ways.

The bill waives recovery of interim payments made to claimants, and this is while the litigation process is taking place, even though they have not proved their eligibility. The law has afforded to the claimants interim payments. But then when ultimately one loses the case, the final determination is that no eligibility has been proved, it has been the law that one has to return those payments. To me that seems quite fair.

The fund, I repeat, is a trust fund. It is not there for those who are ineligible. It is there, hopefully, it is now $3.5 billion in the red and getting redder, for those who are truly eligible. I hope that we will have enough for those who are eligible without supporting, too, those who are unfortunately or fortunately, I guess, are not eligible, because if they are not eligible, they do not have complete disability. If this is not the case then we should change the basic purpose of the act which is to give awards to those who are totally disabled or a result of black lung disease.

I ask on what possible basis of law can we say, "Well, you didn't prove your case. You are not entitled to any

benefit whatsoever, but nevertheless, we are going to let you keep all these interim benefits." Unfortunately, these cases take 5 and 6 years, I understand. That is unfortunate. That ought to be altered, because justice delayed is justice denied.

The alterations in regard to the rules of evidence. I think, the proponents make the best case there, because quite probably with large coal companies, they are able to have more experts who interpret x rays and blood tests and things of this sort.

On the other hand, as I look at any law and realize we are talking about rules of evidence. I think we need to be very cautious and very clear. It says in this bill, for instance, that the coal company can have only one medical examination, and then it says the claimants could have up to three. The majority report says, well, if the claimant has three, the coal company could have three, too, but it is very unclear. It is not a very well-written law.

□ 1800

Mr. Chairman, my point is that I think the Department of Labor has the regulatory authority, for instance, as the initial hearing officer, to be able to set forth rules of evidence and can set restraints, as in any other litigation. Whether it is an administrative law judge or a judge, discovery is controlled by the court and nobody should be allowed to use it or can use it to harass the other party.

I do not believe it is a good thing to freeze these kinds of evidentiary rules into Federal law. I do not think the Members will see us doing it anywhere else in the law, at least not specifically in regard to a certain kind of case. We will approve general rules of procedure and evidence of the Federal courts, for instance but we do not set special rules for certain kinds of cases in order to level the playing field.

Probably the toughest of all the issues pertains to the right of claimants to refile old claims of years ago, long since determined. Section 8 of the bill provides that any claim filed after January 1, 1981, but before the enactment of this act, which found that the claimant was not eligible may now be refiled to determine if the claimant now is going to be deemed eligible. I may be off on these figures, but I understand there were some 80,000 old claims that are now potentially renewable. I understand that claims currently take up to 6 years to go through the whole process, through the administrative law judge and then a benefits review board, and currently claimants can already file for benefits if they can demonstrate that there has been a change of condition.

Nobody knows what kind of a deluge this is going to bring upon the whole administrative system, but I think that it is going to be extremely unfair for those who have not had a hearing at all, who are standing in line, having to wait 4, and 5, and 6 years, and now we add, say, just half of the 86,000, and let us say we have 43,000 more cases, there is just going to be years added to complete a claim. I do not know. It could take 10 to 12 years.

I do not think this is a wise thing to do. It is going to cost a great deal of money. Once again, the trust fund, which is in debt, is the one which is going to have to pay this. I see these kinds of imperfections, and I see it, as I have mentioned, as one who does not come from the coal-mining country, but one who does recognize that inflation and costs eventually are passed on to the taxpayers and to the consumers. The coal companies expect to make a profit, and they will pass their costs on to consumers.

I think it is an ill-conceived bill even yet. It is going to cost business people a tremendous amount of money. It is going to probably deplete that trust fund so we will be back here later to try to figure out how in the world we are going to rescue the trust fund. I hope the Members do not expect the taxpayers of America to bail out the trust fund.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. McCLOSKEY]. Although not a member of the committee, he has been very helpful to us in crafting this legislation.

Mr. McCLOSKEY. I thank the distinguished chairman for yielding time to me, and commend him for his leadership in structuring and moving this bill; also a special tribute to the gentleman from Kentucky [Mr. PERKINS] and his staff.

If there is one Federal program that cries out for reform, it is the Black Lung Benefits Program.

Only a minuscule number of deserving and ailing applicants are ever certified for the program. Especially tragic is the Department of Labor demanding a more immediate repayment of sums for benefits paid under the interim benefit procedure. One elderly widow of Mitchell, IN was told by the Department of Labor to repay $60,000 in interim benefits or she would be turned over to private bill collectors. Can you imagine the stress and strain these people go through after initially being awarded benefits? Black lung sufferers are senior citizens. They certainly do not have the resources or the energy to do constant battle with the system. These retired miners and their widows, who have devoted their lives to working in the coal mines, should not have to suffer so terribly.

There is a man in Indiana who spent more than 10 years of his life fighting to receive black lung benefits which he desperately needed. Ultimately, it was determined he did suffer from black lung and owed nearly $40,000 in back benefits. He initially received those benefits because of his condition. This man was nearly 80 years old. To repay his back benefits depleted his entire savings.

In another case, the DOL harassed a miner for 8 years to repay his interim benefits. Ultimately he died, the DOL then filed a case against his estate and the deceased miner's house was sold to repay the DOL.

In the Eighth District, it is estimated that 120 retired miners or their dependents are being hounded to repay $3.5 million in interim black lung benefits.

Many of these miners were not made aware that the interim benefits they received during the claims process were subject to repayment. They are being punished for bringing forward their appeal to the Government and for having devoted their lives to the coal mines.

Section 2 of H.R. 1637, the Black Lung Benefits Restoration Act, rectifies this unjust situation. It provides that if a miner or his dependent receives interim black lung benefits during the claim processing period and the final decision provides that the miner is ineligible for benefits, any interim benefits paid will not be subject to repayment. In addition, any miner who has already repaid the interim benefits to the Government will be refunded. I might add that this provision is based on legislation that I introduced in past Congresses, the Black Lung Benefits Equity Act.

Some have claimed that this provision is a giveaway and incompatible with the integrity of the Black Lung Program. This is simply untrue. If someone receives interim black lung benefits, the DOL and its doctors have decided that the retired miner suffers from black lung. It is only after a long, adversarial appeals proceeding that it is determined that the miner does not suffer from black lung. The coal companies spend thousands of dollars on doctors and lawyers to fight initial awards of black lung benefits. One must realize that the retired miners or their widows do not have the resources to fight the claims of the coal companies' doctors and lawyers. Section 2 gives the program some basic fairness.

As the Education and Labor Committee report says, the purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, and restore basic fairness to the program. Each section of the bill is important and makes strides toward eliminating the problems that plague the Black Lung Benefits Program. Plain and simply, this bill eases the requirements necessary to qualify for black lung benefits and provides relief for dependents and survivors of black lung victims. In addition, under the legislation, any claim filed after January 1982 and denied can be refiled based on the new requirements.

H.R. 1637 is vitally important to our Nation's retired miners and their survivors. My colleagues on the Education and Labor Committee have worked tirelessly to bring this measure to the floor. I strongly commend their efforts. I urge my colleagues to vote in favor of this legislation and against amendments offered by Mr. BALLENGER.

Mr. PETRI. Mr. Chairman, I yield 9 minutes to my friend and distinguished colleague on the committee, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me first of all say that I can identify and agree with a good deal of what the advocates of this legislation are saying on its behalf. There is no doubt that the current determination process for establishment of a black lung disability takes too long, it is too burdensome, it is too costly, and the system is unfair. I agree with much of that.

I also find some of the innovative steps that this act envisions relative to trying to speed up the process by way of changing the procedures for the process of discovery and limiting the amount of material that can be submitted by either side something that will, I think, speed up the process, create a greater sense of balance between the potential claimant and the defendant company. I think these are all very intriguing approaches to real problems.

What I am concerned about, however, are questions that have not been raised and I think must be raised if people are going to understand what in fact makes this a contentious piece of legislation. First is the issue of benefit overpayments.

If the Members or I held an annuity that came due and suddenly found ourselves inadvertently the beneficiary of getting an extra $100 a month in our monthly annuity payment, we would, under any standard of civil law, have an obligation to return that money once the insurance company or the bank discovered that it had inadvertently been giving us more money than we were due.

What this legislation says is that when a beneficiary has been receiving an overpayment, the beneficiary is simply credited with it. The beneficiary simply keeps it. That is going to cost money and it is not necessarily a very good legal precedent.

There has been a lot of talk suggesting that the Reagan Administration cracked down and made the black lung process some tortuous process that denied benefits to deserving workers. That is not what happened. What happened is the black lung benefit fund was bankrupt. It was billions of dollars in cumulative debt.

In 1981 the Congress, not the administration, the Congress, passed legislation which increased the assessments on the coal producers to put moneys back into the fund, and likewise, it was the Congress then that changed the process by weighing which determinations were made.

It is true that there are those in some instances who were getting overpayments, and then the Department of Labor comes and says, "Hey, I am sorry, you owe the Department of Labor, you owe the fund x number of dollars." It is true that in many cases that creates hardships where these families or individuals, survivors, do not have ready capacity to repay.

What we should point out is that the Department of Labor, in two-thirds of all such instances, does not seek to collect the overpayment, makes an administrative determination that it would impose an undue hardship. However, to simply, by way of statute, suggest that any and all overpayments ought to be forgiven seems to me a very poor precedent, but that is indeed what this legislation would do.

The second is how eligibility for benefits is determined. This goes back again to the changes in 1981. In 1981 Congress established that the eligibility benefit would be determined on the basis of some nexus of having worked in a coal mine and some relationship to that and the disability, and not simply give disability benefits because someone worked in a coal mine. What we are doing is changing this from a disability benefit associated with a form of employment to an entitlement based on the fact that one did or did not work in such a situation, without a medical determination of any kind or a legal determination of a nexus between the two. That strikes me as wrong and inappropriate.

Third, there are entirely new concepts of rendering legal judgment here. I am not an attorney, but it is unfamiliar to me. I know we have such standards as "beyond reasonable doubt" or "balance of the evidence," but in the new evidentiary and discovery standards we put in here, each side, the plaintiff, the coal company, puts in up to a maximum of three pieces of medical testimony, as it were; the company saying, "No, the lungs look okay to us," and the plaintiff saying, "That is not what my doctor tells me."

And by holding it to this you get some degree of parity between an individual who can only afford so much medical testing with the help of the union and the company that presumably can fight this with huge stacks of medical tests, and put any claimant at a tremendous disadvantage before any kind of administrative judge or hearing process.

But what the law does is establishes a new standard saying once there is true doubt, if there is true doubt the benefit goes to the claimant, not a balance of evidence, not clear and convincing.

Mr. Chairman, this is an area in which I have no great expertise because I am not an attorney, but this concept of basic doubt is indeed a different kind of standard, and I am very surprised that this kind of standard for the determination of a disability, and this procedure on the process of discovery and presentation of evidence, which are also limitations on the part of either party in terms of what they can offer on either side, would come to this floor without any consideration or review of the Rules Committee.

Finally, let me just talk about cost. The CBO and the committee report estimates 3 year paygo impact of $51 million, and a total 5 year cost of $65 million. As I said, in 1981 these procedures which were changing were established because the black lung trust fund was in substantial debt, on the verge of bankruptcy. Today it is almost $3.6 billion in debt, and now in the 11th hour of the session we are adding at least another $65 million to the debt.

However, note that the estimate does not incorporate the cost of the presumed inclusion of the 82,000 people who will be automatically having their claims refiled under the expedited procedures. And let us say we get a 35-percent approval rate of those 82,000. We would have a cost of $1 to $2 billion which would result from the refiling process, and annual costs of approximately $300 million would continue as long as the courts allowed these new theories of law to be applied, and across a 20-year continuation of the program more than $7 billion could, therefore, be added to the cost of the program, a program that is already $3.5 billion in debt.

So my colleagues, I think there is definitely some need for reform. I think there are some intriguing and positive proposals being breached in this legislation and put forward in the legislation. But I hope we will also consider some of the dangers and precedents associated with the bill before us. For those reasons, I feel constrained to urge a no vote form my colleagues.

Mr. MURPHY. Mr.Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD], in whose district we had a very interesting and lengthy hearing which led to the formation of this measure.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act. I thank my colleagues in the coal caucus for all of the work they have performed on behalf of this bill, and I thank Chairman MURPHY who came to my district in southern Illinois to hold a hearing on this very legislation. I would like to think that his visit to the coalfields of Illinois helped further the advance of this piece of legislation.

Not long ago I visited the Southern Illinois Respiratory Clinic. Every individual with which I visited was frustrated by the Black Lung Program and feared either losing disability benefits

or never seeing them in the first place. One elderly woman who I spoke to in that clinic, whose husband had passed away just a couple of years earlier, and who had been determined eligible for these benefits, said that she had never spent the first penny of the disability benefit checks that she had received because she was afraid she would have to pay them all back, because everyone she knew that had been determined eligible had received a letter to pay their benefit checks back of the Government, and she was scared.

I would say to my good friend from Michigan, Mr. HENRY, this is not just a matter of recouping overpayments. This is a matter of receiving an award which sometimes took the Department of Labor 7 years to make, and now having to give it back to the Government at a time of dire stress perhaps on the family.

Mr. Chairman, if you spend a moment with a 70-year-old man who reaches painfully for each breath, you will know why this bill is right, and just.

Let me just speak a moment to my colleagues who do not represent coal country. This Nation did not get to be the industrial power of the world without the coal mines which powered its engines. Now we have a generation of people who worked under severe conditions to bring the coal up out of the belly of the earth to drive the energy needs of this Nation, and now they have serious health problems as a result of all of those years of toiling in the dust at the face of the mine. We cannot turn our back on our obligation to them.

We talk about the cost of this program being $300 million. That is not even half the cost of one B-2 bomber, which is very suspect as to whether or not we even need a B-2 bomber.

While our work is not done, we have made great progress in the working conditions of our coal mines, and those improvements have been paid for by the men and their survivors who breathed the dusty air that would eventually result in what we know as black lung disease. Ladies and gentlemen of the House, ease the minds and the bodies of our people. Pass this bill.

Mr. MURPHY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCCLOSKEY] having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-967) on the resolution (H. Res. 587) waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency retirement and disability system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-968) on the resolution (H. Res. 588) waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 3144, MILITARY HEALTH CARE INITIATIVES ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 102-969) on the resolution (H. Res. 589) providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members of the Armed Forces and their dependents, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1696, MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 102-970) on the resolution (H. Res. 590) providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4 (b) RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 102-971) on the resolution (H. Res. 591) waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1820

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5677, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 1, 1992, to file a conference report on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore (Mr. MCCLOSKEY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9:30 a.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1637.

□ 1821

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House

on the State of the Union for the further consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, with Mr. BRUCE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the gentleman from Pennsylvania [Mr. MURPHY] had 11½ minutes remaining, and the gentleman from Wisconsin [Mr. PETRI] had 1½ minutes remaining in general debate.

Mr. MURPHY. Mr. Chairman, I yield 4½ minutes to the gentleman from Kentucky [Mr. PERKINS] with whose father I worked on the 1977–78 amendments to this very important legislation which we are attempting to partially restore.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with a great deal of pleasure that I stand in front of you, my colleagues, this evening with this particular piece of legislation that is in front of us tonight.

I would thank the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY] for his diligent work in bringing this piece of legislation to the House, and I would again thank my staff for their tireless efforts during this process as well. I would like to thank my dear friend, the gentleman from Indiana [Mr. MCCLOSKEY], without whose vital contributions this bill would not be the piece of legislation that it is today. I would like to thank the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Illinois [Mr. POSHARD] and numerous others that I cannot even begin to name for working tirelessly to bring this type of legislation, pushing constantly, to bring this legislation to the House.

I will tell you, frankly, my friends, this legislation is not the type of bill that I would like to see the House of Representatives and the Congress of the United States pass. It is a weakened, watered-down piece of legislation, but it is something.

I have watched through the 1980's miners coming into my office, many times having difficulty in walking because the exertion created lung problems aggravating the black lung to the extent that it was impossible to walk, and sit in front of me and tell me how they had been denied benefits, not once, not twice, but week in, month out, year in, year out, during a decade.

I say that this has gone too long. The legislation that we have in front of us basically corrects some inequities that have long since been overdue to be corrected.

You can send a miner, and they have sent miners, the coal companies, to 10 doctors for 18 x-ray readings, for a mound of evidence that reaches up almost as high as this lectern in some cases, while the evidence that the miner could provide is only limited to what his financial resources are that are available. I will tell you, frankly, that is something that is not fair. It is not fair to see the miners who have provided the energy needs of this Nation treated in a fashion whereby, because they do not have the financial ability to compete with the coal companies, that they are, in fact, looked down upon ultimately in the decisions that have been arrived at during this process.

It is not fair to see that what has happened in this Nation, where the disparity is created, where less than 5 percent of available claims are, indeed, finally honored, and where, in some cases, 7, 12, 15 years I have seen claims go on without resolution because of this process that seems interminable, and all that it goes on.

My friends, I stand before you today as one not from another area of the country. I am from the coalfields. I am from the Appalachians. I have seen with my eyes on a regular basis the pain, the agony, the suffering that this lack of an effective program has created.

I will tell you that it is time that this stopped. It is time that we once again institute something that will give a dignified program to those who have toiled and labored so hard for the energy needs of this Nation. That, my colleagues, is what is just, and ultimately I believe that the House of the people, the House of Representatives, is here for justice, to give those who do not have other alternatives a chance for their voice to be heard.

My colleagues, my distinguished friends, I ask for your support. I ask for your assistance for the miners, for the people who need your help this evening.

Mr. PETRI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as one of the first cosponsors of H.R. 1637, the black lung benefits restoration bill we are considering today, I rise to urge all my colleagues to join me in supporting this long overdue and badly needed legislation.

As the Representative of Pennsylvania's 11th Congressional District, which contains the heart of the anthracite coal region, I represent tens of thousands of disabled mineworkers and their widows whose lives have been irreparably damaged by pneumoconiosis, also known as black lung disease.

Of all the diseases known to man, black lung is one of the most seriously debilitating. It drastically reduces life expectancy while at the same time severely diminishing the quality of life in the years before death. Men who usually spend decades doing back-breaking work under extremely harsh and hazardous circumstances are frequently left gasping for breath for years. It is a slow and painful death.

In 1969, under the able leadership of my predecessor, the Honorable Dan Flood, Congress recognized the seriousness of the black lung problem when it passed the Federal Coal Mine Health and Safety Act of 1969, which became Public Law 91–173. The underlying statute was amended in 1972, 1978, and 1981, but no significant changes have been made since then.

When I was first sworn in as a Member of Congress, in January 1985, I knew that there were serious problems with the Black Lung Program. It was taking far too long for cases and appeals to be decided, and many deserving mineworkers and their widows were having legitimate claims denied for technical reasons.

Accordingly, I asked my friend and colleague from Pennsylvania, the Honorable AUSTIN MURPHY, chairman of the Education and Labor Subcommittee on Labor Standards, which has jurisdiction over the Black Lung Program, to come to northeastern Pennsylvania to hear first hand from disabled mineworkers, their widows, and representatives.

In response to my request, the Labor Standards Subcommittee came to Wilkes Barre on September 9, 1985, and held a major hearing on the Black Lung Program. I want to thank Chairman MURPHY for bringing the subcommittee up to northeastern Pennsylvania to hear from my constituents about the serious problems they have faced.

As a result of the Wilkes Barre hearings, and other similar hearings held around the country by the Labor Standards Subcommittee, a number of bills were introduced to improve the Black Lung Program.

This year the best elements of those various bills have been consolidated into one omnibus bill introduced by Chairman MURPHY, H.R. 1637, the bill we are considering today. Thirty-five of my colleagues from as far north and east as Vermont and as far south and west as Hawaii, have joined me in cosponsoring this bipartisan bill.

Among the major improvements in Federal law contained in our bill are:

First, repayment relief for recipients who are determined eligible for initial benefits but who are subsequently denied benefits on appeal. In the past these claimants had to repay their initial benefits even thought they were usually received and spent in good faith. Among other problems, this practice penalizes disabled mineworkers and their widows for delays caused by either the Government or the coal companies.

Furthermore, unscrupulous collection agencies frequently made the lives of these individuals a living nightmare. The recipients were inevitably old, frequently totally disabled, without any other major sources of income, and in very poor health. Often they were widows who no longer had the resources to fight their claims in court, particularly when their husbands had died and additional new evidence was difficult to obtain.

According to testimony received by the subcommittee, on at least one occasion the exist-

ing policy caused a recipient to commit suicide rather than face what he knew would be a life of impoverishment.

Second, the bill limits the endless series of medical test that a claimant can be subjected to. Under current law, a seriously disabled mineworker can be harassed by being forced to take one test after another in order to prove he is disabled. The bill provides that the opposing party, either the Government or the coal company, can only require one medical test for each test the claimant submits, and that the claimant cannot submit more than three tests. It also allows the administrative law judge to require one additional medical exam if there is good cause for such an examination.

This adequately balances the need for medical evidence against the burden of intrusive tests on severely disabled individuals. It ensures that medical tests will not become either a delaying tactic or a form of punishment. It ensures that the claim process will be both fair and efficient.

Third, the bill makes it easier for widows to receive benefits if their husbands die while receiving benefits. This will prevent many of them from becoming destitute. Under current law the widow may be required to prove that black lung was the actual cause of death or a substantial contributing factor to death. This may be difficult to prove once the miner is dead, and can be delayed by legal challenges.

Under the bill, if a miner dies while receiving benefits or was disabled with pneumoconiosis at the time of death, it is presumed that he died of pneumoconiosis thus entitling his widow to benefits. As a result, the widow would be automatically eligible to receive benefits without delay. In order to protect against abuse, the bill requires that a widow had to have been married to the mineworker for at least 9 months prior to his death, or to have had a child as a result of the marriage.

Fourth, the bill requires quicker identification of so-called responsible operators, the primary company responsible for the mineworker's disease. Under current law a mineworker or his widow may face a gauntlet of everchanging opponents whose resources far outstrip their own. The bill requires the first person who adjudicates a claim to designate a responsible operator, but gives the person so designated a reasonable opportunity to appeal.

Fifth, the bill changes the way attorney's fees are paid. Under current law, many disabled mineworkers and their widows have trouble finding an attorney to represent them because the attorney is not paid until after a case is fully and finally adjudicated. This can take years.

Black lung claims and the medical evidence necessary to prove them are very technical areas and require specialized legal experience to file. Without an attorney, claimants stand no chance of receiving benefits. Yet few attorneys will take such cases if they have to wait until final adjudication to take place in a system that stretches out the decisionmaking process for years. According to the committee, in the entire State of West Virginia, one of our major coal-producing States, only 12 attorneys will take black lung cases.

Under the bill, attorney's fees will be awarded after each stage of the process if the attorney is successful in obtaining benefits for the claimant. This will provide timely compensation whenever a legal decision is rendered.

Sixth, the bill streamlines the appeals process by prohibiting direct appeals from the Office of Workers' Compensation Programs to the Benefits Review Board. Under the bill, only orders issued by the Office of Administrative Law Judges can be appealed to the Benefits Review Board. It also prevents the Secretary from delegating the responsibility to decide whether or not to appeal a decision by a Federal court. This will provide greater consistency in the Department's decisions on whether or not to appeal.

Seventh, the bill provides that any claim filed after the effective date of the 1981 amendments, that is, January 1, 1982, which was subsequently denied, may be refiled as a new case and receive a de novo review on the merits under this new law. No entitlement to retroactive benefits would be provided.

Mr. Chairman, a full decade has passed since Federal black lung law was last changed. In that decade, many disabled miners have died penniless and their widows have had to rely on family, friends, or public assistance to survive. After the year of hard work and suffering these families have had to endure, these families deserve more. The bill we are considering today will give them a fair chance to prove their disability and receive the benefits they deserve. It should receive the support of every Member.

Mrs. LLOYD. Mr. Chairman, I speak in full support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991. This legislation restores to the program a number of important improvements and returns a sense of fairness to the program.

Mr. Chairman, this bill eases the requirements necessary to qualify for black lung benefits. Further, it provides relief for dependents and survivors of black lung victims. Most importantly, it provides that disability claimants who are found to be ineligible for black lung benefits will not be required to pay back any of the interim benefits they may have received prior to a determination of ineligibility. Seldom do black lung applicants have the means to put aside benefit payments in the event of a later negative decision in their case. Most people who receive these benefit payments find they must use them to pay for daily living expenses—making it impossible to recover these funds. I have heard from several miners and their families in my district alone who often complain of the financial hardship of trying to repay moneys long ago spent to supplement their daily living while waiting for their claim to be approved. In some cases a levy is placed against a miner's home in an effort to recover payments. Mr. Chairman, I cannot in good conscious ask the coal miners and their families of the third District of Tennessee to suffer the devastating effects of such actions.

Coal miners have given so much for our country. They fueled American industry to a position of world leadership. They have worked hard and some have died with such a disability. I believe a witness before the Labor Standards Subcommittee hearing on black lung said it best:

> Coal miners who were strong and vigorous workers have been reduced by years of inhaling coal dust to broken bodies, to strain for every breath. They are forced to go through degrading, humiliating and seemingly endless contests in a generally futile effort to obtain monthly benefits and medical care, a paltry compensation for the destruction of their health.

It is long past time that we move legislation on behalf of the thousands of miners, their widows and families who are suffering financially under a program that was intended to bring them relief.

Black lung disease is caused by the inhalation of coal mine dust. The original intent of Congress in enacting legislation to compensate victims of black lung disease was for it to be a fairly straightforward program. The program would make payments of benefits to coal miners found to be disable due to black lung and to the widows and dependents of those who died with such disability, or from the disease caused by coal dust. However, over the years, the program has seen several changes. This bill does an excellent job of returning to a program that more closely reflects the commitment of Congress—to compensate those coal miners who suffer from the crippling effects of black lung. It is in the best interests of those directly affected and enjoys the tremendous support of the Third District of Tennessee.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1992, as reported by the committee, and in opposition to any amendments. The bill before you represents a compromise several months in the making. It has been modified, compromised and severely scaled back to meet both substantive and budgetary considerations. There are many provisions left out of this package that I personally favored and would like to have had included but gave up in a sincere effort to bring to the floor a bill that could and should pass.

Black lung is an occupational disease that destroys the lives of those who mine the coal on which this country depends. It is a savage disease that debilitates tens of thousands of once strong and energetic miners by denying them the very breath of life. No one who has visited the coal fields of this country can deny the horrible consequences of pneumoconiosis.

In 1969, under the leadership of my former chairman and good friend CARL PERKINS, who cared deeply for the people of the coal fields, we passed the first Black Lung Act, as part of the Federal Coal Mine Health and Safety Act of 1969. The need for a compensation program for disabled miners was compelling then and is no less compelling today. Over the years, we have amended and reamended this law as we have attempted to better balance the demonstrable need for disability compensation with fiscal responsibility by ensuring that the legal standards establishing eligibility and causation were clear. This has not been an easy task. Unclear and inconsistent evidence with regard to work histories over long periods of time and the lack of conclusive medical evidence in this field has always plagued this program through no fault of either the miner or the operator.

In 1981, following other changes to the act in 1972 and 1977, this Congress severely re-

stricted the presumptions of causation used to determine eligibility. As a result, the approval rates for claimants has dropped dramatically, virtually nullifying the act. This is especially true for the widows and survivors of miners.

Mr. Chairman, I do not argue that there should be automatic approval of claims if the evidence is insufficient to prove a case for benefits, but I do argue that the current system is so stacked against the claimant that even the clearest case is often difficult to establish. The evidentiary standards and the lack of presumptions as to work histories and causation almost ensure that the party with the most money for the greater number of examinations and the greater number of expert witnesses wins—wins not on the basis of the factual weight of the evidence, but simply by the poundage of the evidence. My colleagues, the party with such funds available is not the miner or his or her survivors.

The bill before you is a small attempt, and I mean small, to ensure a fairer and more balanced claims system for both parties to these cases. Specifically, the bill limits for all parties the number of medical examinations that can be required and the pieces of similar medical evidence that can be introduced which are derived from the same medical procedure.

It reestablishes the widows/widowers presumption—that if the miner was receiving benefits at the time of death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis. It establishes a procedure for early designation by the Secretary of the named responsible operator so that the claimant does not have to litigate against an array of operators, all of whom wish to avoid liability.

Mr. Chairman, this is a good bill, a budget-conscious bill, and one that all my colleagues should support. If we believe that over time we have eliminated the cause of black lung and therefore need not continue to provide compensation, may I just remind you of the recent dust sampling scandal which exposed miners to dust levels well above those allowed by law. Until the causes of black lung are remedied, we, as a Nation, must be ready to care for our miners and their survivors. I remind you that the need is as compelling today as it was in 1969. Just ask the miner whose life is dependent on a respirator that must be carried by his side forever. We need to show compassion for these hard-working people.

Mr. GRADISON. Mr. Chairman, as Congress rushes to complete legislation prior to adjournment in a few days, it may be hard for Members to keep track of the money they are spending, where it comes from, and where it goes. I have pointed out several instances of legislation with budget implications in the CONGRESSIONAL RECORD, most recently on September 17, at page 25422.

Today, I want to call attention to the budget impact of H.R. 1637, the Black Lung Benefits Restoration Act. This bill causes direct spending, which is not subject to appropriators' discretion, of $65 million in fiscal years 1993 through 1997. Technically this legislation does not violate the Budget Act because $100 million of direct spending allocated to the Education and Labor Committee remained unused after enactment of the Higher Education Reauthorization Act of 1992. In other words, the $100 million was intended for higher education. In my view, it should be devoted to reducing the deficit.

Even if the House passes this bill, consideration of the legislation in the Senate would violate the Budget Act because the Senate Labor and Human Resources Committee has already used up its allocation of new entitlement authority for fiscal year 1993.

Should this legislation somehow get past the Senate, it would confront the pay-as-you-go discipline. As I mentioned in a "Dear Colleague" earlier this week, Congress is dangerously close to exceeding the pay-as-you-go limit. In these final days, there is an enormous amount of legislation awaiting final action. Unless Congress is very careful, the pay-go balance could be exceeded and a pay-go sequester would occur. Then, the spending in this bill, instead of increasing the deficit, would cause offsetting reductions in such programs as Medicare, family support payments, veterans' benefits, and student loans.

We in Congress need to remember that we are spending the American people's money. Most taxpayers would look at the $100 million of unspent funds and see $100 million of deficit reduction. Some in Congress look at it and see the chance to spend $100 million. Perhaps this is why the deficit is so intractable. Perhaps there is a lesson here.

Mr. HARRIS. Mr. Chairman, I rise in support of H.R. 1637 and urge my colleagues to vote for its passage.

As the representative of a coal producing region, I and my district staff have had more than enough firsthand experience with the injustices caused by the present standards and their administration.

I have personally dealt with a retired miner, who had already had to have half a lung removed, who was denied black lung benefits.

I have seen many retirees, old people with little formal education, who worked all their lives in the mines, and who had received their disability rating years ago, and who are now being told that some change will not only cost them their benefits but that they must repay all past benefits as well.

These old people, none of whom are accused of any deception, are being told they must do without necessities and that they face the loss of their homes and life savings. They are being told this even when the law allows forgiveness of debts in the case of financial hardship.

Many of these reversals are unwarranted by any medical standard and this legislation would make clear the intent of Congress as to the relevant medical evidence. It will also address the issue of repayment of benefits where final adjudication has been delayed and no fraud or deception was involved in obtaining benefits.

Mr. Chairman, again I say I know first hand the need for this legislation and I cannot say strongly enough this bill will correct a terrible wrong and save much human misery.

Mr. BEVILL. Mr. Chairman, I rise in support of H.R. 1637, the black lung benefits restoration bill. And I want to say that I appreciate the time and effort that my friend and colleague, AUSTIN MURPHY, put into this legislation. He held one of his hearings on the Black Lung Program in Alabama where we have so many coal miners. Many of them are afflicted with black lung and so many of them have been denied benefits.

My father was a coal miner, I grew up among coal miners and my hometown is located in Walker County which is one of the three largest coal mining counties in our State.

I have been a strong supporter of the Black Lung Program over the years, because I have seen the suffering of miners afflicted with this disease. Black lung is a terrible, crippling disease. That's why Congress saw the need to create the Black Lung Program in 1969 to ease the suffering of coal miners disabled by this disease.

Unfortunately, many, many coal miners and their families have suffered even more because of the unnecessary bureaucratic redtape that has plagued the Black Lung Program for many years.

Today, the program is almost gone. Very, very few coal miners are approved for black lung benefits. The denial rate is about 90 percent. This program was created to help people, but, the system throws up so many hurdles, very few miners can prove they qualify for help. Coal miners are very frustrated because this system puts them at a disadvantage.

Certainly, this was not the intent of Congress. It was not our intent to create a bureaucratic maze making it virtually impossible for disabled miners to get benefits.

We know that there are thousands of coal miners out there today who are disabled with black lung disease. A vast majority of them cannot get attorneys to argue their cases because the attorney can't get paid unless the appeal is successful.

The way the system is set up, many miners who lose their appeals have to repay benefits they initially received. All too frequently, this amounts to thousands of dollars. I have heard some mighty heartbreaking stories over the years about people who lost everything.

This program was not designed to be mean-spirited. At the same time, it was not designed to throw money away. It was designed to help those who deserve help.

I believe that this legislation is the best opportunity we have to help those who deserve the benefits to get them. It makes provisions to clean up the bureaucratic mess.

We need changes in the system to reduce the lengthy delays experienced by those seeking benefits. In short, this legislation will inject fairness into this process which has been lost in recent years.

In closing, I'd like to say that I believe it is the intent of Congress to help coal miners. If they are sick because of black lung, they deserve a fair shake.

I strongly urge my colleagues to support this legislation.

Mr. YATRON. Mr. Chairman, I rise today to express my deepest appreciation to my colleagues for the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. I am proud to have been a cosponsor of this bill, which will provide fair compensation to black lung victims.

There are many residents of my district who suffer from black lung-related effects, but have been denied fair compensation. This bill will provide those individuals suffering from black

lung-related problems the benefits that they rightly deserve. This bill will make needed adjustments to the Black Lung Act by easing the requirements to qualify for benefits, providing survivor benefits to spouses, allowing for refiling of previously denied claims based on old evidence standards, and increasing the protections for individuals who receive overpayment of benefits. This bill is a significant accomplishment for the hard-working former miners who suffer from black lung effects but who have been denied just compensation or have had their financial situation threatened because they are told that their benefits have been overpaid.

Mr. Speaker, I would also like to thank my Pennsylvania colleague, Congressman AUSTIN MURPHY, for all of his hard work on H.R. 1637. Congressman MURPHY's leadership has resulted in the passage of this much needed bill. As I end my tenure in the House, I am delighted to have been part of the passage of this critical legislation. I am pleased by the passage of H.R. 1637, which will rectify the injustices that have been suffered by too many Americans who should have been entitled to black lung benefits or have been mistreated in the processing of their claims.

Mr. MURPHY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The test of the committee amendment in the nature of a substitute is as follows:

H.R. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Black Lung Benefits Restoration Act of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the following:

"Sec. 436. (a) In the administration of the benefits payable under this part, if a claimant received benefits under this part before final adjudication of the claim for benefits is made and if the final adjudication is that the claimant is ineligible for benefits through no fraud or deception of the claimant, the payment of such benefits to the claimant shall not be considered an overpayment of benefits and the claimant shall not be legally responsible for the return of such benefits.

"(b) If a claimant received benefits under this part before final adjudication of the claim for benefits was made and was required under regulations of the Secretary to repay the benefits as an overpayment of benefits because the claimant was adjudicated as not being eligible for benefits, the fund shall refund to the claimant the amount repaid by the claimant.

"(c) If the benefits paid as described in subsection (a) to a claimant who was adjudicated as not being eligible for benefits were paid by an operator, the fund shall reimburse the operator for the benefits paid.".

SEC. 3. EVIDENCE.

Section 422 (30 U.S.C. 932) is amended by adding at the end the following:

"(m)(1) To controvert medical evidence presented by a claimant on the basis of a medical examination in a proceeding on the claim of the claimant, the operator designated as responsible for the payment of benefits under such claim or the trust fund, as the case may be, may only require one medical examination.

"(2)(A) Except as provided in subparagraph (B), any party in a proceeding for benefits under this part may not offer more than 3 similar items of medical evidence which present information derived from the same medical procedure, including readings of chest roentgengrams, evaluations of blood gas and pulmonary function studies, or reviews of the same medical evidence.

"(B) If a party in a proceeding for benefits under this part offers one or more items of medical evidence which present information from a medical procedure, the opposing party in such proceeding may only offer the same number of items of medical evidence which present information from the same medical procedure.

"(3) Any claimant in a proceeding for benefits under this part may not offer more than 3 medical examinations, except that an administrative law judge may require the claimant in a proceeding to submit to an additional medical examination if the administrative law judge determines there is good cause for requiring such examination.".

SEC. 4. SURVIVOR BENEFITS.

(a) DEATH.—Section 422 (30 U.S.C. 932), as amended by section 3, is amended by adding at the end the following:

"(n) If a widow or widower of a miner files a claim for benefits under this part and if the miner was receiving benefits for pneumoconiosis or was disabled by pneumoconiosis at the time of the miner's death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis.".

(b) RULES FOR WIDOWS AND WIDOWERS.—Section 422 (30 U.S.C. 932), as amended by subsection (a), is amended by adding at the end the following:

"(o)(1) The widow or widower of a miner who was married to the miner for at least 9 months preceding the miner's death or who had children as a result of such marriage is qualified to receive survivor benefits under this part.

"(2) The widow or widower of a miner is not disqualified to receive survivor benefits under this part if the widow or widower remarries after attaining the age of 50. Such a widow or widower may not receive an augmentation in survivor benefits on any basis arising out the remarriage of the widow or widower.".

SEC. 5. RESPONSIBLE OPERATOR.

Section 422(h) (30 U.S.C. 932(h)) is amended by inserting "(1)" after "(h)", by striking out the last sentence, and by adding at the end the following:

"(2)(A) The first person, designated by the Secretary, who adjudicates a claim for benefits under this part shall designate as the operator who shall be liable for the payment of benefits under such claim the operator who was the last employer of the miner with respect to whom the claim is made and who employed such miner for at least a year. The period of a miner's employment by an operator shall be determined on the basis of cumulative periods of employment by such operator.

"(B) If the person required to designate an operator under subparagraph (A) determines that the evidence is not clear as to which operator is described by subparagraph (A), such person shall, to the extent possible, designate a responsible operator.

"(C)(i) An operator designated under subparagraph (A) or (B) shall be given by the designator notice of the designation together with the basis for the designation. Such an operator may, within 30 days of the operator receiving notice of such designation, request a hearing before the Secretary on such designation. The Secretary, acting through the Office of Administrative Law Judges, shall within 5 days of such request set a date for a hearing on the record which shall be not later than 60 days after the date of such request. After the hearing, a decision shall be made not later than 120 days of such request. The decision shall not be appealable.

"(ii) If the Secretary determines that an operator who requested a hearing under clause (i) did not have reasonable grounds to contest the operator's designation, the Secretary may assess the operator for the costs (not to exceed $750) of the proceeding undertaken upon such request.".

SEC. 6. ATTORNEY FEES.

Section 422 (30 U.S.C. 932), as amended by section 4(b), is amended by adding at the end the following:

"(p)(1) If in any administrative proceeding a determination which may be appealed is made, or in a court proceeding a determination is made that the claimant is entitled to such benefits—

"(A) the Secretary acting through the person who made the determination in the administrative proceeding, or

"(B) the court, shall determine the amount of all costs and expenses (including expert witness and attorney's fees) incurred by the claimant which are reasonable and shall assess the operator responsible to the claimant for such reasonable costs and expenses or if there is not an operator responsible to the claimant, shall assess the fund for such reasonable costs and expenses. Such determination shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses. The Secretary or court shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of such determination.

"(2) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.".

SEC. 7. ADMINISTRATION.

(a) APPEALS TO THE BENEFITS REVIEW BOARD.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) ACQUIESCENCE.—The Secretary of Labor may not delegate the authority to acquiesce in a decision of a Federal court.

SEC. 8. REFILING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the date of the enactment of this Act may be refiled under such Act after the date of the enactment of this Act for a de novo review on the merits.

The CHAIRMAN pro tempore. No amendment to the substitute is in order except those amendments printed in House Report 102-961. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 2, strike out line 11 and all that follows through line 9 on page 3 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will re recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to just take a few minutes to explain what this would do and why I think it is appropriate.

Current law allows claimants to receive benefit payments when a claim is filed. If a person is deemed ineligible for the benefits then the claimant must repay the Department of Labor all benefits.

The bill changes current law.

The bill says, if the claimant is determined to be ineligible for benefits, the claimant may still keep the benefits paid out.

The bill says, if a claimant received a benefit, was determined to be ineligible and paid it back as an overpayment, then under the bill the black lung trust fund must refund the entire overpayment.

My amendment would strike section 2 from the bill and return to current law.

The price tag for this bill is $65 million over a 5-year period. The Congressional Budget Office estimate of returning benefit repayments to claimants going back as far as 1973 would require an expenditure of $30 million over 3 years.

CBO further estimates that the trust fund would lose $5 million per year in overpayment collections which would not be collected under H.R. 1637. This is an added burden on a trust fund that is already $3.6 billion in debt. Despite a doubling of the initial excise tax on coal in 1981 and a further 10-percent increase in the mid-1980's, the trust fund has never been able to meet its obligations without having to borrow, that is, take advances, from the general revenues of the U.S. Treasury.

H.R. 1637 provides for a giveaway that is totally incompatible with the financial health of the trust fund or the integrity of the Black Lung Program designed to help miners who are disabled. It should not just be a program designed to help just anyone merely who decides to apply for benefits. By striking the benefit overpayment provision, the total cost of this bill would be reduced by $55 million.

I urge my colleagues to support this amendment.

□ 1830

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Let me clarify for the Members that when we talk about the interim payment of benefits, those benefits are not paid until the claimant has filed his claim, gone through a very lengthy process of submitting his medical records, his employment records, and many, many months later, sometimes years later, the Department of Labor, through the office of Workers Compensation, will make a ruling. These benefits are then paid to the claimant based on that ruling.

They are not erroneous payments, they are not overpayments, as stipulated by the gentleman from Michigan, an overpayment in annuity or a mistaken payment to the claimant. They are payments made to that claimant for just cause and as determined by the Federal Department of Labor.

Then, many months later, after perhaps an ALJ will review the case and then make a temporary reversal of the process, the claimant is notified by the department, "Send us the money back."

The money has been spent, it has been spent for medical bills, for the care of the miner and his family, spent on food, spent on his necessities of life. Then he receives a collection notice to send the money back.

All we are attempting to do is to say that once the Department of Labor has made a determination based on valid cause and the miner has been paid, that ends that particular phase of it.

Obviously, the miner can have his future benefits interrupted if it goes to a court of appeal or other appeals and he is then denied future benefits.

Incidentally, in that regard the Department of Labor already admittedly by the figures submitted to our committee, does not recover two-thirds of those benefits. So they are out there harassing one-third of the interim claimant benefits for their repayment. We think it has been a very unfair system during the past 12 years, and all we are seeking to do is to level the playing field, let them keep the benefits properly awarded and then go on from there.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr HUBBARD. I thank the gentleman for yielding. And I certainly, in supporting House bill 1637, I do oppose these weakening amendments. I understand the amendment by Mr. BALLENGER, this indeed would strike section 2 of the bill, which exempts claimants found to be ineligible for benefits for responsibility of repayment of interim benefits. This opposition position to the amendment was explained very adequately by our colleague and friend from Pennsylvania, Mr. MURPHY.

The coal miners in the area I represent in Congress, that being the first Congressional District of Kentucky are hurting. They need this legislation. They very much want the Black Lung Benefits Restoration Act of 1992 and they want it, of course, without these crippling amendments.

We need to help these coal miners nationwide, and certainly I am proud to speak for the coal miners of the nine coal-producing counties of the first Congressional District of Kentucky.

Mr. BALLENGER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman

I just want to bring this out: It occurred to me when we discuss these interim payments that basically we have a problem because of the procedures we have. It will take 5 or 6 years. They tell me that the Benefits Review Board is basically responsible for most of this delay.

Now, it would seem to me therefore, that if we all put our heads together and were able to have a streamlined procedure where you do not have these delays, then you are not going to have the interim payment problems that are of the magnitude that they are here.

As I understand it, this bill goes all the way back to 1973 and says also in instances where you have even repaid, that now the trust fund is going to cough up the money and have to pay or repay the repayers. That strikes me as an awful big bill that the trust fund is going to have to carry here, and in a rather elongated arm of trying to rectify some errors of the past.

I see nothing in here—I would join with the gentlemen to perhaps eliminate that review board if it clogs things up for 5 or 6 years. This is what I have been told.

Why not have binding arbitration, do something so that these people can get a quick decision? If we would do that, perhaps that would give them quick justice.

I do not know what we are going to do when you have all of these 86,000 new claims I believe it is theoretically being filed, refiling on top of all that we have right now. How in the world—you are going to have 12-year delays if that is the case.

I would suggest that I would be more than glad to work with the chairman, who I know is dedicated to this area, to try to get some justice that is not so damnable delayed as is the case here, apparently.

Mr. MURPHY. I thank the gentleman from Illinois [Mr. FAWELL] and hope that next year we can have an Administration in the benefits review board that will do their job properly and expedite the treatment of those claims.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. I thank the gentleman for yielding.

Very briefly, I just thoroughly concur with the excellent statement of the opposition coming from Chairman MURPHY. Obviously, it should be realized that these were not spurious claims, that people in good faith had every reason to believe they had the condition. They probably did. They were certified as such by both doctors and the Department of Labor. And to think we would put on the working people of America, after 3, 4, 5, 7, or 8 years, an arbitrary demand, as was the case in my district, to pay back $70,000 by a 78-year-old widow, pay $70,000 back within 60 to 90 days. I think that is just ridiculous. I think doing this would also be in the long run better economically because you give the Department of Labor incentive to speed up the program and save cost to the system.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

□ 1840

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to consider amendment No. 2, printed in House Report 102-961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 3, strike out line 10 and all that follows through line 12 on page 4 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, my next amendment would strike section 3 of this bill. This amendment deletes the provision that limits the amount and type of evidence introduced by any party.

To be more detailed, section 3 limits evidence in three ways: First, it would limit the responsible operator to one medical exam of the claimant; second, it would limit the number of readings of x rays and other medical exams to three by each party, and third, if the claimant submits less than three items of medical evidence, then the operator may only submit the same number of items as the claimant.

I believe it is unprecedented in American compensation law that a party who will be getting the bill has such an arbitrary limit placed on presenting relevant evidence. While there have been limits on evidence where the Government pays the benefits, never before has there been a limit for private parties.

This arbitrary limit is particularly unfair in the Black Lung Program. It would represent another intrusion of Government into private proceedings. Currently under this program, if both sides produce equal evidence—meaning equal in numbers and probative weight—then the claimant wins. Under this legislation, the only question for the administrative law judge left to answer is whether to give the medical opinions equal weight since there would be equal numbers of evidence.

Mr. Chairman, while I understand the intentions of the majority in this section, I would have to say my amendment would keep the balance that is currently in place concerning medical evidence. If section 8 is allowed to take effect, that balance would be severely tipped toward the claimant.

This is an area in which we should not be legislating and I urge the adoption of my amendment to strike this section.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this goes to the very heart of what we are attempting to do in leveling the playing field and offering the disabled coal miner some opportunity of winning his case.

At the present time and since 1981, the weight of evidence being the way it is under current law and interpretation, the miner is compelled by the coal company to go to an endless number of hospitals, clinics, doctors, sometimes many, many miles away.

Generally, the coal miner can only afford to go to his family physician or a local physician to have himself examined. He is diagnosed as having black lung disease by that local physician who knows him well, who knows his case well; but when the company is able to send him, by the sheer weight of their dollars versus his, to numerous medical examinations, x rays and pulmonary examinations and breathing examinations, by that time they have wore the miner down, and they go before the ALJ. The company has 12 experts and so forth that they have paid for.

The miner has his family doctor that he has paid for. Obviously, the weight of the evidence is against him.

What we do in the bill is say that if a miner goes to a doctor, the company, his antagonist, is allowed to send him to a medical expert.

If the coal miner goes to two doctors or a doctor and a clinic, the coal company may send him to a doctor and a clinic.

If the coal miner goes to two doctors and a clinic, the coal company can.

What we are saying is they both have the opportunity for the same number of witnesses to come in under medical testimony; no more in three in number, unless the ALJ, the judge who is hearing the case, then orders another examination, at which time he may do so.

We believe that this is leveling the playing field and not allowing the weight of dollars to defeat the miner's claim.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Again, I oppose the Ballenger amendment. Hopefully, the Members of Congress realize how difficult it is for coal miners to obtain black lung benefits. It is difficult, many times the cases take years. They have attorneys to file their claims and to work with them. The process is drawn out. The coal companies in many ways have the advantages. Certainly the coal companies at the present time have the advantage when it comes to medical evidence being produced for the coal miner to obtain black lung benefits.

As Chairman MURPHY said, we are trying to level the playing field here and give the coal miners a chance to obtain their black lung benefits through medical proof that is not outweighed by the money of the coal company and their medical witnesses.

Mr. Chairman, I urge my colleagues to vote no on this amendment and again urge them to vote "yes" for H.R. 1637.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in House Report 102-961.

For what purpose does the gentleman from Ohio [Mr. BOEHNER] rise?

AMENDMENTS EN BLOC OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer amendments en bloc made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BOEHNER; Page 6, line 24, insert "(a) AMENDMENT.—" before "Section".

Page 8, after line 2 insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to claims which are filed for the first time after the date of the enactment of this Act and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. BOEHNER] will be recognized for 5 minutes, and a member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, with regard to legal fees paid in the Black Lung Program, under current law black lung claimants attorneys only receive fees after they win their cases, so they have to go all the way through the review process, and if and when that plaintiff wins, the attorney fees are then in fact paid.

Under H.R. 1637 we expand attorney fees and pay those fees at each step in the process. So in fact if an attorney wins at the Labor Review, if he wins at the Administrative Law Judge level, and at each step along the way he in fact is paid his fees that are incurred up to that point.

Even if the claim is ultimately denied, those steps that the plaintiff did in fact win, the attorney fees would be paid.

In section 8 of this bill, we grant those 86,000 claims that have been denied since 1982 the opportunity to be refiled.

Under this issue of the attorney fees, all those cases would be allowed attorney fees at each step along the way in the process. That is where my concern is.

The amendment that I have at the desk that I am offering tonight provides that the expanded attorney fees would be paid to those cases filed after enactment of this bill. What it says to those 86,000 claims that were denied, which under the bill we are going to allow those claimants to have another bite at the apple, it would not pay the expanded attorney fees and they would only be paid if in fact they win their cases.

I believe this is fair. This was part of the compromise package that had been worked out earlier between members of committee.

What we are trying to do here is not till another fertile field to allow claimants attorneys to go out and to entice those 86,000 claimants to take a bite at the apple.

Frankly, I think if we do not change this, what we are going to do is allow them to take a very big bite out of the apple.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because it denies an entire class of people, potentially as large as 80,000, adequate legal representation. These individuals, who filed under the harsh 1981 amendments with their stricter standards, were unfairly excluded from eligibility. To deny these people sufficient representation on a rehearing is tantamount to justice denied.

The attorney's fees section was incorporated into H.R. 1637 in response to testimony received throughout our oversight hearings. Numerous witnesses discussed the great difficulty they and their fellow miners have had in finding legal representation. Under the current system, attorneys are not paid until after the claim is fully adjudicated, which can take 5 to 10 years. This fact discourages many attorneys from taking black lung cases at all. H.R. 1637 is meant to provide prompt payment for the attorney at each step in the administrative claims procedure whenever a formal decision is rendered. I believe this enticement of timely compensation may encourage attorneys to persue the meritorious claims of many neglected miners, and I urge my colleague to oppose this amendment.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio [Mr. BOEHNER].

The amendments were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in House Report 102-961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

□ 1850

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 8, strike out lines 12 through 17.

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to explain what this amendment would do and how it would address some of my concerns with the bill. This amendment would delete a provision in this bill allowing for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1992, and the date of enactment of the bill.

H.R. 1637 broadly expands the opportunity for previously unsuccessful claimants to refile a claim. The language in this bill overlooks the fact that claimants are not barred today from refiling, if circumstances warrant. Section 8 eliminates that requirement and permits unrestricted refiling authority which would become a tremendous administrative burden to the program. Some 86,000 cases could be refiled under this provision. These are cases that have already had their day in court.

It is apparent that the reopening of cases has to result in some differences in how those cases would be decided, otherwise the majority would not have pushed so hard for this provision. I would also like to note that the original Civil Rights Act of 1990, H.R. 4000, provided for the reopening of closed cases but the majority ultimately found that position was not defensible.

Realizing that some black lung cases have been reopened in the past, I don't believe it is necessary that we should continue to do so on every occasion. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 5 minutes.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose this amendment. Removing this section adds insult to injury for the many miners who bore the full brunt of the unfair 1981 amendments. This section gives those miners a well-deserved second chance. Some critics have claimed that this section is unnecessary because of the existing right to refile under current law. However, I am concerned that any refiling of old, previously denied cases would impose an unfair burden on claimants who may have to overcome evidence submitted during prior adjudication of their claim. In drafting H.R. 1637, we wanted to provide an opportunity for claimants denied under the 1981 amendments to file their claim under the law as modified by these amendments with no entitlement to retroactive benefits. The adjudication of these claims would be conducted as a de novo review, with full consideration of the case on its

merits in light of the evidence subsequently produced supporting or contesting the refiled claim. This is the least we can do to promote fairness for these victims and I urge my colleagues to oppose this amendment.

Mr. BALLENGER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, again I thank the gentleman from Pennsylvania [Mr. MURPHY] for having yielded to me.

Mr. Chairman, those of us who represent coal miners, disabled coal miners, of course oppose this amendment by our friend and colleague, the gentleman from North Carolina [Mr. BALLENGER]. What we are trying to do with this legislation is to level the playing field so that the coal miners have a better chance to more expeditiously receive the black lung claims to which they are entitled.

The coal companies do have an advantage. This legislation, the Black Lung Benefits Restoration Act of 1992, H.R. 1637, is trying to level the playing field.

This amendment, as has already been stated, strikes section 8 regarding filing for de novo review. This is an unfair advantage for the companies against the coal miners.

Mr. Chairman, I would urge my colleagues to vote no on this amendment which was offered by the gentleman from North Carolina [Mr. BALLENGER].

Mr. MURPHY. Mr. Chairman, just as we close debate on this last amendment, I want to compliment the gentleman from Wisconsin [Mr. PETRI], my ranking member on the Subcommittee on Labor Standards. He has been most courteous and cooperative as we have gone through the process of numerous hearings on this bill, at subcommittee markups, committee markups. He has attempted to forge many compromises with us and has been certainly very diligent in his duties, and I do thank the gentleman very personally for this, and I also thank the gentleman from North Carolina [Mr. BALLENGER] for his efforts in attending the hearings. I had him in my district for a tour of a deep coal mine. I know he shared our experiences of learning the handicaps that many miners work under, and I do appreciate this although we have been on opposite sides of the amendments. He has been most cooperative in his efforts as we drafted this very fine legislation.

So, Mr. Chairman, I thank both gentlemen very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BORSKI) having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, pursuant to House Resolution 584, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The CHAIRMAN pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 1637, the Black Lung Benefits Restoration Act.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5427. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5427) "An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) "An act making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes."

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5482, REHABILITATION ACT AMENDMENTS OF 1992

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the mangers may have until midnight tonight, October 1, 1992, to file the conference report on H.R. 5482, the Rehabilitation Act Amendments of 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON FRIDAY, OCTOBER 2, 1992, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 707, COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report on H.R. 707, Commodity Futures Improvement Act of 1991, tomorrow, or on any day thereafter; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as having been read when it is called up for consideration, provided, however, that consideration of the conference report shall not be in order unless it shall have been available for not less than 2 hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF CERTAIN DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling $930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *October 1, 1992.*

□ 1900

CLINTON'S DRAFT STATUS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, over the last four nights that the House has been in session I have done four special orders on honor, military service, draft dodging, and this Presidential race.

Today, an Annapolis graduate entered the race who began his military service a year ahead of myself, so he was fortunate, like myself, to serve 8 years on active duty during the Eisenhower years when no despots around the world were anxious to take on a man who had worn five stars on each shoulder, President Eisenhower, and we were lucky that we did not have to sail or fly in harm's way, Mr. Ross Perot and this Member.

I am hoping that because of his Vice President, James Bond Stockdale, retired admiral, that maybe more focus will come on the draft-dodging issue as it pertains to Governor Clinton.

I am going to do another special order tonight, another hour. I just wanted to tell my colleagues I have gotten over 1,000 letters in the last 6 days, 1,000 letters.

MILITARY EQUIPMENT TO JORDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, the General Accounting Office has provided me with information that has caused me to conclude that Congress has systematically been given misinformation by the administration concerning the delivery of military equipment to the Government of Jordan and its impact on the Iraqi war.

During debate on the Persian Gulf supplemental in March 1991, legislative amendments were offered to cut off military aid to Jordan, because of Jordan's statements in support of Iraq.

On the basis of administration assurances that the President on his own initiative had cut off all aid, I and a number of Members of the House and the Senate supported administration efforts to modify legislative language to permit Presidential discretion in providing aid to Jordan.

In fact, I regret to say that I was not told the truth and because I was not told the truth I gave Members of Congress information that was not the truth.

First, we were told that between August 2 and February 6, United States military equipment to Jordan had been stopped. Later we were told that items in the pipeline had continued and that new orders had been stopped.

GAO has now found that in fact the administration not only continued to deliver multimillion-dollar military equipment to Jordan, they also initiated 12 new equipment orders totaling more than $5 million—including ammunition and Cobra missile component repair parts.

Second, the administration had told us that on February 6 they had stopped military assistance to Jordan.

However, GAO has found that in fact the order to stop military transfers to Jordan's shipper did not take place until March 4—after the war was over.

During that period, more than $550,000 in military equipment was transferred to Jordan's shipper—including spare parts for C-130 transports, F-5 aircraft, and Hawk missiles.

Third, on March 7, only 3 days after the order to not ship had finally been given, equipment deliveries were resumed. Congress was not told of this resumption. But when we found out 6 months later, we were told that the resumption did not include ammunition and items on a restricted list.

But, GAO has found that not only was equipment delivered without notification to Congress, but, in fact, ammunition, missile components, and other items on a restricted list were delivered during this period.

This much is unclassified.

I also want to inform the House that there is a classified annex to the GAO report which brings into question assurances I had given concerning military equipment to Jordan in connection with the consideration of the Persian Gulf supplemental appropriation in March 1991.

The key information in this report is classified. I have asked that relevant portions be declassified, but the administration has not done so.

I have learned from the GAO report, which is based on what I judge to be accurate, compelling information, that during the war the United States Government did in fact provide military equipment to Jordan. At the same time—I do not know how—military assistance obtained by the Jordanians found its way into the hands of the Iraqis. Officials of our Government were aware of this fact during the war.

While I will not disclose publicly the underlying classified information which supports my statement, I am compelled to inform the House of the existence of that information and its character, which is, in my view, utterly damning.

Because I have consistently supported the administration on the need to keep open the option of aid to Jordan to facilitate the peace process, I feel a special obligation to inform the Congress when it has been mislead by information provided by the executive branch of Government. I persuaded the conference to follow my lead in supporting the administration position. Although I believe that decision to be correct, it was nevertheless reached on the basis of misinformation provided to the Congress by the administration.

I did not feel I could continue to support administration policy on the issue without informing the House on this matter. I will continue to support administration policy to Jordan because it is important to the peace process, but as chairman of the Foreign Operations Committee I feel an obligation to inform the Congress when it has been misled.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to relay an unfortunate event which occurred last night after we had completed our legislative business.

On my way home, I stopped at a local shopping mall. As I was crossing the street, I was struck by a vehicle and taken by ambulance to the National Hospital for Orthopedics. The doctor's evaluation revealed that I had sustained a minor head injury and a broken collarbone. I thank the Lord that I was so lucky.

I would like to take the opportunity to express my gratitude to the hospital staff for their efficiency and kindness. The very capable Doctors Jim Eskew and Thomas Clark should also be congratulated for their expert handling of my care.

My doctors have ordered bed rest for at least 3 days and to begin the 6-week healing process. I have consented, as movement is very difficult and painful. I truly regret my absence in the House these next few days. I was looking forward to tackling important issues as we bring the Congress' business to a close.

Many thanks for the well-wishes and concern expressed by my colleagues. Please be assured I will be on my feet as quickly as possible to return to work in my district.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, earlier today, because I was participating in an important Senate hearing on the danger of carpet emissions to human health I missed the votes on the con-

ference reports on H.R. 5678 and H.R. 5488.

Had I been present, I would have voted "aye" on both of these conference reports.

TRIBUTE TO RETIRING PENNSYLVANIA REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MURTHA] is recognized for 60 minutes.

Mr. MURTHA. Mr. Speaker, I want to say how appropriate it is that the distinguished gentleman from Pennsylvania [Mr. BORSKI] is chairing the House at a time when we are honoring four of our retiring Members, one of whom is with us today, Congressman GAYDOS, who has been such an outstanding legislator, who spent over 20 years in the Halls of Congress, who goes home every week and keeps in close contact with the people in his district. His accomplishments have been many.

□ 1910

He has been without comparison when it comes to accomplishing things for the steel industry and for the people in western Pennsylvania. As a matter of fact, he has probably been the most important person in stabilizing the steel industry in the United States. He has moved the steel industry toward modernization, increased productivity, and increased investment until now we have a steel industry that is stable, a steel industry that is productive, and the most competitive in the world.

I want to commend an individual who has probably had a dramatic impact on so many different areas. His work on labor and education, his work on House administration, has benefited not only the Congress but the entire country. I want to yield to him so he can make any comments that he might want to make at this time.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding. It is somewhat awkward, being one of the five members of the Pennsylvania delegation that is retiring this year, either voluntarily or involuntarily, but I do have some important remarks that I think are important, having served with this delegation for over 24 years.

First, I want to thank my colleague, Mr. MURTHA, who has been so capable a leader in the steel caucus and also the delegation, and who holds a very, very important position in the Pennsylvania delegation on the Committee on Appropriations.

I also want to extend my thanks to JOE MCDADE, who is tied up at this particular time, but will insert his remarks formally in the RECORD, so let me make these prepared remarks.

Mr. Speaker, It was back in 1968 when I first entered this great Chamber following a special election to complete the term of the late Elmer Holland. A few months later on the election day of November 5, 1958, my constituents chose to return me to this body, where I have served them 12 consecutive terms.

Having been elected in 1958, I had the honor of beginning my service with two particular individuals who, like myself, believed that a career in public service was worth the sacrifices that all of us would have to make with respect to family, friends, and other opportunities within our professions. These two individuals are GUS YATRON and LARRY COUGHLIN. I think I can speak for both Congressman YATRON and Congressman COUGHLIN by saying it has been a long, interesting and productive 24 years.

These two gentleman and I have served in the Senate of Pennsylvania, served through the Vietnam war, Watergate, the Iran hostage crisis, the demolition of the Berlin Wall, the breakdown of the Iron Curtain, and the Persian Gulf war, among some other things. Yes, we have witnessed a part of history. We have also missed many things in our personal lives that would not be written and cannot be written in the books for the benefit of future generations. We have missed events that can only be written in our memories.

I am not only here to reminisce about events that GUS YATRON and LARRY COUGHLIN and I have worked through, I am here to honor two other Members from Pennsylvania who have truly been assets to their constituents back home and to what we have tried to accomplish as a delegation here in Pennsylvania. I am referring to JOE KOLTER and DICK SCHULZE.

JOE KOLTER was an accomplished legislator back home, very dedicated, and helped us in our reapportionment, helped us recently in the last month or two on the great needs we have in western Pennsylvania and eastern Pennsylvania, throughout the whole State: the roads and dams and things like that.

DICK SCHULZE is an excellent colleague, having worked on the steel caucus from morning until evening. He served on a very important committee, the Committee on Ways and Means. He helped to give us the leadership, and also to make us effective as a delegation.

All of these four gentlemen over here, and as I said before, it is somewhat awkward being one that is leaving also, these four gentlemen deserve these very quick remarks on my part. We can all, as a delegation, fill the rest of the evening by raining platitudes and praise on one another regarding personal accomplishments and goals, but I think it is a far greater tribute to indicate what we as members of the Pennsylvania delegation, as a unit, have done as a whole for the betterment of the State of Pennsylvania.

Being one of the few delegations which formally organized here in the House, it was the bipartisan commitment of men like GUS YATRON, DICK, LARRY, and JOE to the citizens of Pennsylvania that enabled us to realize the many accomplishments which ultimately would benefit all Pennsylvanians. That leadership we are now entrusting to individuals like my good friend, JOHN MURTHA, and also JOE MCDADE.

We not only as Republicans and Democrats but as a delegation utilized our collective abilities to work with each successive administration and the House and Senate leadership to achieve many initiatives to help our State and the citizens of Pennsylvania. As the Members know, Pennsylvania is one of the States hardest hit by the recession of 1980, and many of our efforts focused on attempts to revitalize the State's distressed areas.

Whether we are working on the Philadelphia Naval Shipyard or pushing for voluntary restraint arrangements through the leadership of JOHN MURTHA on such things as machine tools or steel, addressing Medicare-Medicaid inequities, all of those things, we strived to acquire many, many things for Pennsylvania. We did this together as a team and we crossed party lines.

Just to use a few examples of what we have been able to accomplish this year alone, we have secured funding for the Low Income Home Energy Assistance Program, prioritized public works projects to create roads, bridges, dams, et cetera. We have all done something to help the thousands of Pennsylvanians to better working conditions.

We helped stop the Department of Commerce from statistically adjusting the 1990 census figures. If the Department of Justice did this, it would have lowered Pennsylvania's overall population, and would have required our State Legislature to eliminate three Congressional seats rather than two. If this had occurred, it is my belief that the citizens of Pennsylvania would have been grossly underrepresented in this body.

The ability to work as a unit rather than a group of individuals is that basis for success that we have enjoyed here in Pennsylvania. Even when we have disagreed on issues, we have maintained a very positive working relationship, with the lines of communication always open.

I hope in the years to come that the Members who take our place obtain and never lose the vision that has guided us in our many productive years of public service.

In closing, I would like to again extend my personal best wishes to DICK, JOE, LARRY, and GUS. The best of luck in the years to come, and I want to thank all the Members in our delegation who have made my time personally as a U.S. Representative from Pennsylvania a success.

Finally, in conclusion, I want to wish those that are remaining that they may achieve what we have as a group, even build upon it, and hopefully even be more effective. The Pennsylvania delegation has a good reputation here in this House. I know they are going to keep that reputation and even accomplish a lot more than we did as a delegation in the last 24 years. It has personally been truly and honor to serve, and I wish to thank all of the individuals participating in these special orders, and in particular, my good friend, JOHN MURTHA.

Mr. MURTHA. Mr. Speaker, I see LARRY COUGHLIN here. Let me just say he is one of the few people that surprised many of us by his retiring from Congress. Most Members we knew would retire, but he is in the prime of life, he is at the height of his seniority and his experience and his influence. It is a real loss to the Pennsylvania delegation to have an individual of such stature, in a position of such influence, that decides he has used up all his energy and he is going to go after another career.

His work on the Committee on Appropriations has been of such impact and has had such an effect for Pennsylvania. The whole Commonwealth is in debt and gratitude for the work that he has done, not only for eastern Pennsylvania but for all of Pennsylvania. All of us wish him well.

I can only say that there is no harder worker, no more dedicated individual, no person that has been more influential in the Pennsylvania delegation than LARRY COUGHLIN. He has been very quiet in some cases, but when he says something, people listen, and we appreciate his hard work and dedication for the delegation and for this great country.

With that, I yield to the gentleman from Pennsylvania [Mr. WELDON], representing JOE MCDADE, who has submitted some information for him but cannot be with us this evening because of another function.

□ 1920

Mr. WELDON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, having been one of the newest members of the Pennsylvania delegation, I have had the pleasure of working with each of these gentlemen and the entire delegation for the last 5 years, and I will tell you that when I came to Washington very quickly I learned two things about the Pennsylvania delegation. That was that we had stature among the Members and among ourselves working together, and the delegation had the respect of the entire Congress, be it the Republican side or the Democratic side. And that is because of the quality of the leadership presented by our dean of the delegation, Congressman JOE GAYDOS.

JOE, it has been a pleasure to work with you. Mr. Speaker, we in Pennsylvania have been very fortunate to have a person of the stature of JOE GAYDOS leading our delegation through some tough times, someone who has been there to reach out to new Members, be they Republicans or Democrats, to make sure that we are doing what is best for our State and our constituents. JOE, we are going to miss you. We know you will do well in whatever you choose to do beyond your tenure here.

Your reputation on the Education and Labor Committee is known well beyond the boundaries of Pennsylvania. Your work on wage legislation, and I guess most of your work on ERISA will go down in history. You have made a major contribution to this country and certainly to Pennsylvania, and all Americans are better off because of your tenure here in Washington.

Mr. Speaker, GUS YATRON is someone I came to respect as a young member on the Foreign Affairs Committee, and a leader in terms of speaking out against Saddam Hussein, and an active opponent of China trade, and a human rights activist known throughout the country, and someone who set the tone for all of us, not just in Pennsylvania, but throughout this country on human rights issues.

JOE KOLTER is a strong member of the Public Works and Transportation Committee who fought hard for his district, fought hard for Pennsylvania. One of the things that I think is a trait of all of the Pennsylvania Members is hard work, and fighting collectively for what is good for our State, what is good for the people throughout our State, whether it is our district or another district, and JOE KOLTER exemplified that.

I want to pay my special respects as well to two Members that helped me very much in my early tenure in this body, and who through apportionment I am picking up a part of both of their seats, LARRY COUGHLIN and DICK SCHULZE.

LARRY is known in our part of Pennsylvania as the gentleman from the Main Line. Everyone respects LARRY COUGHLIN. I have walked the streets of his towns. I have been throughout Upper Merion and King of Prussia, and walked into a store and you see a photograph of LARRY COUGHLIN, and you hear people talk about their Congressman with a great deal of respect and pride. LARRY is someone who puts his country first, his people first, and has worked hard for this country, especially on transportation issues and issues affecting drug interdiction and drug prevention and drug enforcement. LARRY, your tenure in this body is going to be second to none, and we are all going to miss you.

LARRY is also one of our premium Marines, as is our good friend, JACK MURTHA, and they form the backbone of the marine caucus in Congress, and that is why we are so successful on so many issues very important to that vital service. And I want to applaud both of them for their work in that regard.

Finally, my good friend and colleague, DICK SCHULZE. I pick up a substantial part of the district and have the greatest respect and admiration for DICK SCHULZE. He has been a terribly hard-working individual on tax and trade issues, speaking out on conservative issues, but being very tough and thoughtful and independent when it came time to fight for toughness on trade to make sure that American workers were not being shortchanged.

DICK is also someone who early in his career sat on the Armed Services Committee and fought hard to make sure that our State was being given its proper support on defense issues.

We are going to miss DICK, and we are going to miss LARRY, and we are going to miss JOE, and we are going to miss GUS, and JOE, we are going to miss you especially as the dean of our delegation. All of you have left a mark that none of us are going to be able to top. Thank goodness we still have people like JACK MURTHA and JOE MCDADE who are sticking around so that we can all look up to them, and it is going to be a pleasure to work with them. But we are surely going to miss these Members of Pennsylvania who could not have served more proudly than by the work they all have done.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from western Pennsylvania who has done so much for the coal miners and who has done so much for labor, and has such an impact in this House, AUSTIN MURPHY.

Mr. MURPHY. Mr. Speaker, I thank the incoming dean of our delegation for yielding. It is with a great deal of sorrow that we stand here tonight and bid an official farewell to five of our Members who have a collective service in this Congress of 100 years.

I know that our dean, JOE GAYDOS, often would address our joint meetings, and we had many harmonious meetings between the Republican and Democratic Members of this House representing Pennsylvania, and JOE would always say to our guests at those meetings that we have a delegation that truly gets along. We have a delegation that chose by their committee assignments to divide the responsibilities that we have to our State, to our Commonwealth. JOE, as the dean of the delegation, is the second senior member on the Education and Labor Committee, the second senior member on the House Administration Committee.

GUS YATRON is the second senior member on the Foreign Affairs Committee. DICK SCHULZE, serving nine terms as a member of the Ways and Means Committee, the tax-writing

committee, and LARRY COUGHLIN served nine terms as a member of the House Appropriations Committee. JOE KOLTER served six terms as a member of the Public Works and Transportation Committee. They were all working together for the benefit of the Commonwealth of Pennsylvania. And all of these gentlemen served in the State legislature, and I am pleased to say that I served some time there with each of them where they distinguished themselves again in service of their Commonwealth.

There are so many things we could say about these five Members, except that it is a real challenge to the five persons who will replace them in this House to carry on the traditions and carry on the integrity and in the manner that they have represented our Commonwealth.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from northeastern Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I will not be lengthy because I know there are other Members on the floor who have something to say. But just in the nature of personal remarks I would say to JOE GAYDOS that as a young Pennsylvania Member when I first came, he was sort of the granddaddy of the delegation and he treated us as grandchildren, and he led us through the minefield of the House of Representatives. We will never forget that, JOE. And we know that all your assistance and advice has been given from the heart, and from the best legislative mind. And I think it is a tribute to the success of the Pennsylvania delegation that you were able to be here and give my colleagues that follow you such great advice. We will miss that.

To the gentleman from the south of me, GUS YATRON, I would only say he should be really called Gentleman GUS, because truly he is always a man of impeccable manners, never wanted to disturb or hurt anyone, and worked hard and in a quiet way accomplished so much, particularly for human rights in the world. We will miss GUS. I will miss him in northeastern Pennsylvania because he was a special help over these last years that I have served here.

Finally we have the third Member of the Democratic side, Mr. KOLTER. I grew to learn that JOE was a hardworking Representative of western Pennsylvania with a heart of gold, and always involved with economic development for his district and for the Commonwealth of Pennsylvania.

□ 1930

How he has helped my district and my area has been just beyond measurement, but how he has worked for all of Pennsylvania has been exceptionally well.

Finally we run over to the Republican side, and I am going to take LARRY last, because DICK SCHULZE is Ways and Means, and we pay respect to the guys who write taxes. He has been one of those Republicans that was not ideological in his way, but thought first of Pennsylvania, but most of all, first for the Nation, and was always there as a friend to help us when needed it and did not think about party.

Mr. Speaker, finally, I come to LARRY COUGHLIN. Now, it is exceptional that I should be able to say I am really LARRY COUGHLIN's Congressman, because he was born in Dallas, PA. His family, his grandfather, who lends his name to the Coughlin High School in Wilkes-Barre, PA, to this day, having served as one of our most outstanding superintendents of schools.

When I came to the Congress, LARRY's hand of friendship was stuck out there, and even though he is a Republican and we differ ideologically, I knew I could always seek the assistance and advice of my good friend, LARRY COUGHLIN.

I would be remiss to say, LARRY, as you leave Congress, you cannot imagine, and I know how disappointed your constituents are, but you have a whole set of shadow constituents in northeastern Pennsylvania in the 11th Congressional District, and they love you no less than your own, and they respect you no less than your own.

We are going to miss your service on the Committee on Appropriations, but most of all to Pennsylvania and to junior Members like myself that you were so willing to be helpful to.

All in all, Mr. Speaker, I have tried to encompass a few more remarks and anecdotes in the material that I am offering for the RECORD.

I would just like to say to all of my colleagues who are on the floor that being one of the junior Members other than CURT, you know, there is something special about Pennsylvania. We have this Pennsylvania corner on the Democratic side, but we also have a relationship with our friends on the Republican side that transcends politics, transcends a lot of things. It is just that we all work for Pennsylvania, and I know when it comes my time to leave this body, I will never forget the people who are leaving it now, because they have served in a special way to help my service here be something better.

Mr. Speaker, five of my distinguished colleagues from the Commonwealth of Pennsylvania will not be returning to the 103d Congress.

I stand here in tribute to them.

Their dedicated service to the country, to the Commonwealth and to their districts span, in the aggregate, a full century. Their individual accomplishments over that period of time reflect their abiding concern with the rights and happiness of all people, not only in their districts and in this country, but around the world. Their unflagging support of, and encouragement for, business and economic development brought needed job opportunities to longstanding, depressed areas. Indeed, their compassion for the unemployed and underprivileged was the hallmark of their service in this House. Those of us who will continue to serve here would do well to strive to attain the high standards of caring and concern maintained by our distinguished colleagues who are leaving.

Let me touch briefly on some of the highlights of the work they have done here.

Since the 18th century the heart and soul of western Pennsylvania have been the mighty Monongahela, Allegheny, and Ohio Rivers. George Washington eloquently described the area in his writings as far back as 1753, concluding that "nature has well contrived this place."

For the last 24 years, however, the heart and soul of western Pennsylvania has been the respected dean of our delegation, JOE GAYDOS. JOE is also our senior retiree this year.

JOE GAYDOS is a lawyer by profession, a former Pennsylvania deputy attorney general and general counsel of United Mine Workers of America. He has dedicated his abilities and talents to this House and to the needs and concerns of workers and their families for more than a quarter of a century.

As chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS was instrumental in having this House pass legislation requiring notification to workers who might have been exposed to hazardous chemicals or other materials while on the job. In the same capacity he watches over OSHA's implementation of its statutory responsibilities to safeguard the health and safety of the American worker. In this connection, JOE GAYDOS has become a respected expert on construction safety practices, mining safety practices, and repetitive motion injuries suffered on assembly lines.

As a powerful spokesman for workers, JOE GAYDOS has staunchly supported adequate pension security programs. His work in drafting ERISA—the Employee Retirement Income Security Act of 1974—has been considered the shining jewel of his career. Because of his concern for the people of his district, and the Nation, Congressman GAYDOS has unfailingly defended the buy-American policy. "Lost companies, lost jobs, lost manufacturing capability," he has said, "inevitably results from the one-sided and so-called free-trade policy."

LARRY COUGHLIN is the senior Republican from our delegation who will be leaving Congress this year. His two dozen years of public service in this House have been marked with distinction. He has risen to the ranking Republican position on the important Transportation Appropriations Subcommittee where his expertise and performance have won him well-deserved accolades from both sides of the aisle.

LARRY COUGHLIN's pioneering work has been legendary in the field of mass transit. He has been a powerful champion of continued and increased Federal funding for urban mass transit and for Amtrak. He has sponsored a House resolution to assure funding for urban mass transportation and highway construction in a 1:4 proportion; and he has introduced a bill to allow Federal railroad-bridge construction funds to be used for the construction of highway bridges.

LARRY COUGHLIN was personally convinced that these transit projects were worthwhile and economically feasible. At the same time, he has not hesitated to oppose other projects he viewed as wasteful, environmentally questionable boondoggles. He moved swiftly, for example, to help kill excessively costly projects such as the infamous and expensive 4.2 mile highway on Manhattan's West Side known as Westway and the Clinch River breeder reactor in Tennessee.

On the international level, LARRY COUGHLIN was persuasive in opposing antisatellite weapons [ASAT]. An amendment he coauthored banned ASAT testing for yearly periods, provided the former Soviet Union maintained its then-existing test moratorium. In mid-1989, the House passed a resolution urging international talks with a view to eliminate all ASAT systems around the world.

LARRY COUGHLIN is also the ranking Republican on the Select Committee on Narcotics. In that role, he has taken major steps to combat drugs: he has sponsored a bill authorizing the Coast Guard to compel aircraft used in drug trafficking to land; he introduced a bill to furnish additional aid to foreign countries to interdict drug traffickers in those countries; finally, he has sponsored legislation calling for drug-testing of operators of aircraft, trains, and commercial motor vehicles.

The retirement by a second eastern Pennsylvania Representative, my good friend and neighbor to the south GUS YATRON, will also be a loss for our delegation.

GUS YATRON's ability, energy and strength have been devoted for over two decades here to more than just advancing the immediate needs of his Sixth District. In addition to being a world class prizefighter for northeastern and central Pennsylvania, GUS YATRON has also been a champion of human rights around the world.

Foreseeing the slaughter Saddam Hussein was capable of causing, GUS YATRON stood up in this House as early as 1988, long before it became fashionable to do so, to denounce Hussein's use of poison gas against the Kurdish minority.

Our colleague from Reading was also calling out, in a time of need, to help those who had no one else to aid them. As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, GUS YATRON, taking a bipartisan and nonideological position, crafted legislation to give aid and comfort to human rights abuse victims around the globe.

As a result of the 1989 Tiananmen Square massacre, GUS YATRON was on the forefront of efforts to impose strict sanctions against China, including revocation of its most-favored-nation trade status. He has shown the special skills necessary to work with international organizations, like the United Nations, to reach those peoples who are victims of the abuses of their own governments—from China and Tibet to the Philippines, to Kuwait, to Iraq, and to Chile.

To shore up his efforts on behalf of human rights, GUS YATRON succeeded in having the House approve his resolution condemning the Chinese Government's harassment of foreign journalists. This should open the way to candid worldwide disclosure of human rights violations. Perhaps even more important, in this connection, is his work in having the Congress enact the Torture Victim Protection Act of 1991, creating a civil action for recovery of damages from an individual who engages in the torture or extrajudicial killing of a victim in a foreign country.

GUS YATRON has also gone into the ring on many occasions to fight to protect our fragile ecosystem. He is vigorously opposed to the threatened extinction of whales, to the declination of the Amazon rain forest, and to the worldwide danger posed by hazardous waste. He has sponsored a concurrent resolution expressing the sense of the Congress with respect to the need to protect and conserve the world's whale, dolphin, and porpoise populations.

Like the other Congressman in the Pennsylvania delegation, GUS YATRON has strongly supported trade legislation to protect employers and their employees in his district against unfair competition from foreign countries using labor at substandard rates.

For the last 8 years, GUS and I have shared a common border between our districts, as well as several counties. With redistricting, I hope to offer his constituents in Carbon County who will be in the new 11th Congressional District, the quality service they have come to expect from GUS.

Another Representative from eastern Pennsylvania we shall sorely miss when Congress reconvenes is our good and affable friend DICK SCHULZE. To further and protect the interests of working men and women and their employers in his district, west of Philadelphia and in Chester, and in fact throughout America, DICK SCHULZE has strenuously advocated throughout his career in the Congress a fair trade policy for our Nation. DICK knows first hand from his work on the Ways and Means Committee, as well as from his constituents, the many creative ways foreign nations have subsidized their industries to the detriment of American workers and the U.S. economy.

From mushrooms to steel, DICK SCHULZE has demonstrated his vigilance in guarding against the inundation of subsidized foreign goods. His district includes the mushroom capital of the world and he has assiduously worked to protect the mushroom farmers in his district from being forced out of business by unbridled Chinese competition. Similarly, as an officer of the Congressional steel caucus, he has taken the lead in preventing the dumping of Canadian steel on the United States market. He has aptly and eloquently expressed his "disappointment that it took a $170 billion trade deficit to finally remove our rose-tinted glasses." It would be of no surprise to him that the poor in America cannot find their counterpart in Japan.

DICK SCHULZE has also been a leader in the fight for tax reform, introducing a comprehensive restructuring proposal known as the uniform business tax. He has had the courage to say that we can no longer afford to tinker with the Tax Code, but rather that we need a wholesale restructuring. His thoughtful and comprehensive bill provides a blueprint for such a restructuring of the Tax Code.

Also to DICK SCHULZE's credit is his sponsorship of both the original Taxpayers' Bill of Rights, and the recently enacted revisions to that statute. This bill of rights is designed to assure individual taxpayers that they are treated fairly and decently by the IRS. Paying taxes is never a pleasant experience, but DICK SCHULZE's efforts to pass the Taxpayers' Bill of Rights has made that experience less painful for millions of taxpayers.

Western Pennsylvania is also losing the services of JOE KOLTER, whose decade of service has been capped by his accession to the chairmanship of the important Economic Development Subcommittee of the Public Works Committee, where he has steadfastly spoken out for the need for additional economic development to alleviate the plight of unemployed workers in economically depressed communities in western Pennsylvania and the rest of our Nation.

He has devoted considerable time and energy to improve the economy of his region by fighting to obtain adequate funding for important projects in his district, such as new airports, a new post office, an armory and a road bypass. He has been a true friend of working men and women, voting to pass the minimum wage increase over the President's veto.

But his concern was not limited to workers' interests. In fact, to protect the blind, he promoted legislation which would required Braille imprints on $5 and $10 bills. He also sponsored a bill requiring food and drug manufacturers to set up a toll-free telephone line to make information more readily available to consumers.

In addition, JOE KOLTER has introduced legislation to eliminate environmental damage in the disposition of hazardous waste. Moreover, to cut back on the number of accidental automobile deaths and injuries, he authored and introduced a bill mandating audible reverse warning devices on passenger motor vehicles.

Mr. Speaker, we will miss each of these Members when we reconvene in January. We salute them for their service to districts, their Nation, and this body, and we wish them Godspeed in the years ahead.

Mr. MURTHA. I now yield to the gentleman from Pennsylvania [Mr. COUGHLIN], who I have said some words that are less, that would never meet his stature, but we are all just thankful he was here, and it went fast, and he has done such a great job. All of us appreciate his work for Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania [Mr. MURTHA], whom I have known for more than the 24 years that I have served in this body. We go back a long, long way.

I have the greatest, greatest respect and admiration for him, for his leadership in this body, for his leadership for Pennsylvania, for his leadership for this Nation, and I am grateful for his having this special order tonight.

I also want to thank my other leagues for their kind remarks here, particularly the gentleman from Pennsylvania [Mr. KANJORSKI], who, indeed, does represent the district that is the place of my birth and the place where most of my family have been from, and where I lived until I graduated from school.

When I first came here, and the gentleman in the well will well recall those times, there was a period of time when the Pennsylvania delegation was sometimes the subject of articles in newspapers that were not highly complimentary in terms of its ability to get things done in this Congress and its clout, if you will. It is funny, I have not seen one of those articles for a lot of years now. I have not seen one for a lot of years. It is thanks to people like the gentleman in the well and the gentleman from Pennsylvania [Mr. GAYDOS], the gentleman from Pennsylvania [Mr. YATRON], the gentleman from Pennsylvania [Mr. KOLTER], and the gentleman from Pennsylvania [Mr. SCHULZE] who will be leaving us, but it is thanks also to each and every one of the members of the Pennsylvania delegation that are still continuing on here.

Mr. MURTHA. And thanks to the gentleman from Pennsylvania [Mr. COUGHLIN] for the work that he has done.

Mr. COUGHLIN. They all hold positions of extreme importance.

I look at my colleague, the gentleman from Pennsylvania [Mr. GOODLING], here, and the gentleman from Pennsylvania [Mr. RIDGE], and I realize that the Pennsylvania delegation is in good hands, and when I see the gentleman in the well and the other members who are here who will carry on.

It is a rare honor to serve in this body, and it is a privilege to have been a member of the Pennsylvania delegation.

I thank the gentleman very much, indeed, for having this special order and for his kind words.

Mr. MURTHA. Mr. Speaker, I now yield to the distinguished gentleman from York, PA, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank my distinguished leader for yielding.

Mr. Speaker, I think I could probably sum up very quickly what the loss of the members that we are honoring this evening means to this delegation. This is a very powerful delegation, and it is powerful because gentleman like the gentleman from Pennsylvania [Mr. GAYDOS] and the gentleman from Pennsylvania [Mr. MCDADE] and their leadership positions have always held us together to work together no matter which side of the aisle we sat on.

As was mentioned, the gentleman from Pennsylvania [Mr. GAYDOS] always said every time he ever introduced us to anybody at a luncheon, and we are probably the only delegation that has one, two, and sometimes three luncheons with our constituents every week, but he always mentioned that we worked together for the good of Pennsylvania. It does not matter which side of the aisle we sit on.

And so we are losing some very powerful people. When I think of the number of times I have gone to the gentleman in the well, to the gentleman from Pennsylvania [Mr. MCDADE], and to the gentlemen, one of which we are honoring this evening, the gentleman from Pennsylvania [Mr. COUGHLIN], to help residents in my district, because they were in very influential positions in relationship to appropriations.

I can remember with LARRY, a long time ago, leading the fight in 1979, I think, in 1980 in Pennsylvania for the election of George Bush, and we carried Pennsylvania. We did not carry too many other States, but we did carry Pennsylvania, no question about that.

I have served with the gentleman from Pennsylvania [Mr. GAYDOS] on the Committee on Education and Labor for 18 years. He was there 18 more than I, but I served with him the last 18, and it was very easy to work out problems with the gentleman from Pennsylvania [Mr. GAYDOS]. If his legislation or my legislation did not quite suit each other, we could always sit down and work those problems out.

The gentleman from Pennsylvania [Mr. SCHULZE] is not here this evening, but the biggest story I know about DICK is he came here when I came in 1974, arriving in 1975, and Herm Schneebeli retired soon after that and left the Pennsylvania seat on the Committee on Ways and Means, and he came up to me with a two-headed coin, and he said, "We will flip coins to see which one of us," since we were the two seniors, I guess, "gets that slot." Of course, I did not realize it was a two-headed coin. I did not also realize that he was going to make the call. I thought if he was going to flip the coin that at least I would get the chance to make the call. It did not work that way. He flipped the coin. I later discovered it had two heads, and he has served on the Committee on Ways and Means and served very well on the Committee on Ways and Means.

The gentleman from Pennsylvania [Mr. YATRON] and I have served on the Committee on Foreign Affairs, GUS a little longer than I, and I the last 16 years, and as was mentioned earlier, you will never find a finer gentleman probably than GUS YATRON. I do not believe there could be a mean bone in his body, and with that gentle manner in which he proceeded, he accomplished a lot, not only for his district but for Pennsylvania.

The gentleman from Pennsylvania [Mr. KOLTER] and I have not served on any committees together, but JOE and I have discussed many issues many times. I always found him as someone who, no matter how strongly he felt about a position, he was not obnoxious about that feeling. We could sit down and talk about different issues where we had a totally different opinion but could relate very well to each other.

So we are losing five strong members of this Pennsylvania delegation. We are losing two seats, unfortunately, and if the gentleman from Pennsylvania [Mr. RIDGE] would ever get his lawsuit in order so that we do not count illegal aliens, that would not happen, but, nevertheless, we are sacrificing Pennsylvania for those who are not even legitimate residents of the country.

So again I want to thank all five for what they have done for their own districts, but more importantly, what they have done for Pennsylvania and what they have done for the United States.

Mr. MURTHA. Let me now yield to the gentleman from Pennsylvania [Mr. BORSKI], one of the senior members of the Committee on Public Works and Transportation.

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him very much for calling this special order. I want to associate myself with the remarks made by the gentleman in the well and all of my colleagues here as we salute our retiring Members from Pennsylvania.

First, I want to say a word about my friend, the gentleman from Pennsylvania [Mr. KOLTER]. JOE and I have served together for 16 years, 6 years in the Pennsylvania House. We both ran for election to the Congress in 1982. We were both elected. His was a sure thing that year back in 1982. Mine was a little more of an upset. But we served in the Pennsylvania Legislature and on the transportation committee. JOE was the chairman of that committee when I was a junior member, and when we both got elected here to this House, we served together on the Committee on Public Works and Transportation for the past 10 years.

□ 1940

I have enjoyed his friendship, his ability to work with others, his ability to work as hard as humanly possible for the people he represents.

It is going to be strange for me next year when I walk back into the Public Works and Transportation Committee room to not have JOE KOLTER with me.

My good friend, GUS YATRON, as has been said here many times tonight, is a perfect gentleman. I have enjoyed his leadership in foreign affairs matters and his leadership in the Committee on Post Office and Civil Service.

My good friend, DICK SCHULZE, who worked so hard for all of us in Pennsylvania for so many years in the Committee on Ways and Means. I will never forget, several years ago when we were working to try to save Frankfort Arsenal in Philadelphia, we brought in the developers to meet with DICK SCHULZE, and he was extremely helpful as he was in all projects that affected the people of Pennsylvania.

My good friend, LARRY COUGHLIN, whom I had the opportunity very early in my career here to appear on a television show with. He was giving the

Republican viewpoint, and I was giving the Democratic viewpoint. We argued back and forth. It was a real good program, I thought.

Afterward LARRY reached over and he said, as we shook hands, he said, "We can disagree without being disagreeable." He is a perfect gentleman, someone who has done an enormous amount of work for those of us in southeastern Pennsylvania. He has often been referred to as the Congressman from southeast Pennsylvania.

We are going to miss his leadership very much.

Finally, to my dean, JOE GAYDOS, who taught me as much about this body, I think, as anyone else. I will forever look back to the Pennsylvania corner in that seat where the dean of our delegation always sits and think of JOE GAYDOS. He gave me some of the best advice as a new Member here than anyone else that I know of. He taught me to be bipartisan, to work hard for the people you represent, to stay in close contact with the people you represent.

He told me that the people who came down here and forgot where they came from did not last very long. He told me to go home, do your workshops, work with people on a frequent basis. I will always remember his leadership and appreciate the work he has done for all of us in Pennsylvania. I thank the gentleman for yielding me this time.

Mr. MURPHY. I yield to the gentleman from Erie, the distinguished member, TOM RIDGE.

Mr. RIDGE. I thank my friend and colleague for arranging this special order.

I know I would much prefer singing the praises of my friends in this instance, friends and colleagues while they are alive and able to listen and to enjoy them rather than going to funerals and saying some things that you wish you had said when you had the opportunity before.

This is a sad day for Pennsylvania and for the delegation. I am sure it is a sad time for the five men with whom I have been associated for the past 10 years. I certainly welcome the opportunity to share a few remarks about them.

There is, I believe, within the Pennsylvania delegation a rather unique harmony among its members. We are all very proud partisans. I do not think there is any question about that. We can fight as hard and as aggressively from a philosophical or political point as any delegation in the House of Representatives. But that unique harmony comes, I think, from a very special relationship that all of us have, a mutual respect for one another, and the opportunity to learn from one another, to become better friends as the years have gone by, which is a tribute, I think, to the openness, particularly in the case of junior Members, of the senior Members when we first came to the Hill.

I remember thinking in terms of JOE GAYDOS always holding court to the rear of the Chamber in the Pennsylvania delegation arena. He is actually in many respects my Congressman from the Steel Valley. I still have many friends and relatives there. I appreciate the good work that he has done and the representation he has given them over the years.

I can think of the approach JOE always gave to his work and the effort he put into accommodating those constituencies and groups that wanted to spend time with members of the Pennsylvania delegation. I know it took enormous amounts of time and energy from him and his staff to arrange those many delegation meetings. It can be very distracting work, but he did it. He did not do it for his benefit, because he was not running for statewide office, he did not do it for his benefit, because a lot of his constituencies had nothing to do with the Steel Valley; he did it because he thought it was in the interest of Pennsylvania and in the interest of the Pennsylvania Members. So I am grateful for that.

I am also grateful for his openness, very grateful for his being open to all of us, for his counsel on matters of mutual interest where we had perhaps a disagreement politically, but his wariness and sensitivity and the political maturity that goes along with being with this body for a long time and his willingness to share that advice with people such as myself.

So, JOE, you have been a good friend. I thank you. I look forward to seeing you after you leave this Chamber. We never did get a chance to play that round of golf together, but you will have a little more time to do that in the future. I appreciate your friendship.

When I think of GUS YATRON, I do not know GUS very well. I have not served on any committees with him in a direct way. We have not worked on legislation together. I do know that whenever our paths crossed, it was more often than not at these delegation lunches and in the hallway, there was always a genuineness and decency that just exuded from GUS; an interest in people and an interest in service. There is not a malicious bone in his body. That is just GUS. He took his responsibility as a legislator very, very seriously. Many people have applauded with appropriate accolades his work in the area of human rights. When I think of GUS, I always think of a man of quiet strength, somebody who is a real solid man. I know while serving here over a couple of years he endured quite a bit of physical pain because of physical problems and operations that he had. But never once, never once did I ever hear him utter a complaint, a self-serving use of his pain as an excuse for being unable to do something. That just was not in GUS's nature. He did what he was elected to come down here to do, and I am always grateful for his friendship.

JOE KOLTER and I, in 1982, were elected together. They divided one county adjacent to both of us, Lawrence County. We had a pact at that time that if they were from Lawrence County and they went into his office or they went into my office, there was no problem, they were our people, they were Pennsylvanian, and it was our mutual responsibility to take care of them.

Over the years we have appeared on many occasions together, and he has always done it in a spirit of openness and friendship that I will always appreciate. He was always extremely solicitous of me, just personally and politically; he was always encouraging to me in every possible way. I enjoy being his neighbor, and I think I enjoyed even more being his friend.

DICK SCHULZE, of course a lot of people have talked about his stand and his work in the Committee on Ways and Means on tax issues and trade issues, and as I take a look at DICK and try to think of some personal things that I will remember and cherish, again you learn from our colleagues. You never left a conversation with DICK SCHULZE not understanding completely how he felt about this matter and why he felt the way he did. I will always respect his candor. It probably over the years may—he is in a better position to judge this than I am—may have gotten him into some political difficulty at one time or another. But just his candor, his candor as a refreshing and admirable trait, I would like to think I take with me as I serve in this body as well.

I will always appreciate his personal counsel and advice politically, and I will miss him as a friend.

Finally, LARRY COUGHLIN was the first Republican Member of the delegation I met when I was seeking the support of the National Congressional Committee back in 1982. He was helpful then. On those rare occasions—on those occasions where I needed his help, no questions asked. If it was good for me and good for the people I serve, he would put forth the maximum amount of energy as if it directly affected him and his constituency.

□ 1950

I have enormous respect for this man, a man in a body such as this is a man with little or no ego, a very quiet man, a very accomplished man who saw to it just to get things done in a very unassuming, quiet kind of way, to benefit all of us in Pennsylvania.

There are a couple other things I would like to share with you as a matter of record that are pretty important to me as I think of these five men.

If I heard it on one occasion, I heard it on a multitude of occasions when I talked to them, stories about their families. The family was always some-

thing pretty important to these men. In the tumult of politics and in the give and take of what we do around here, it is nice to be able to sit down and see that the men with whom you serve have not lost touch with the other important things of life, and that is the men and women and children that they love.

So these five particularly, I can remember individual conversations with them about their families which I will always cherish.

I also thought there was an interesting trait. I think it goes through the entire Pennsylvania delegation. They are all very good listeners. That is a trait that a lot of people do not have. I think it is an important communications skill. I do not think it is unique to Pennsylvania, but particularly in our delegation and particularly these men, I know JOE GAYDOS and GUS YATRON, JOE KOLTER and DICK SCHULZE and LARRY COUGHLIN always had time to listen. As far as I am concerned, if you have time enough to listen, you obviously have something in you that cares, because those who choose not to listen I feel do not particularly care about the people that they serve. If you care enough to listen, you are halfway to being a very successful and a very effective legislator.

All these men have listened to me and listened to my constituents and have tried to help them, even though being from the furthest northwest part of Pennsylvania many of them had no direct relationship to my district whatsoever, but whenever I asked them to help me or help my constituents, they listened and they did the best they could to help.

So I will miss each and every one of them. They have become good friends. I will always be grateful for their counsel, for their encouragement. I will be grateful for what they have helped me do on behalf of the people I represent. I am just grateful for having had the opportunity to serve with them in this magnificent body, an opportunity tonight to tell them how much I appreciate their friendship.

I wish each and every one of them the best of every possible future endeavor that they may undertake. Good health, much happiness and Godspeed.

Mr. MURTHA. Mr. Speaker, let me just say that when I came here almost 20 years ago, we had seven Members, two Republicans and five Democrats who had all over 20 years. We lost all of them in a period of 2 or 3 years.

What LARRY COUGHLIN just said, we were berated in the Philadelphia newspaper because we had very little influence.

JOE GAYDOS was the senior Member after they all left, and he had 14 years at that time.

We have made up for that loss of seniority by trying to put people on the right committees and trying to spread the work and each of us trying to do what was right for the Commonwealth.

TOM RIDGE just talked about GUS YATRON. GUS YATRON is without a doubt one of the toughest people I have ever met. He did not complain and he did not get riled up very often, but if he did, you knew it. He took a very firm position, as much of a gentleman as he was. All of us will miss GUS YATRON's counsel.

DICK SCHULZE certainly was a key member of the Ways and Means Committee. DANNY ROSTENKOWSKI thought so much of him, all of us had such high regard for DICK SCHULZE and believe that whatever he decides to do, he will do well.

And of course, JOE KOLTER was such a valuable member of the Public Works Committee and has done so much for western Pennsylvania, and all of us will miss him.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, all of us five who are retiring, again is somewhat unique that we are here on the floor, and usually it is the accepted thing not to be on the floor, but because of circumstances we are; but all five of us got together. We wondered after all these years whether or not we had any concern about passing the so-called torch, and who was going to do what we had been doing, and would there be a continuation.

We all came to the conclusion unanimously that we were leaving it in good hands.

Particularly I want to mention JACK MURTHA who we have on the Appropriations Committee and who listens to everybody's complaints. He does, as we all know here in the House, that is where all the action is. He is one of the cardinals, and as one of the cardinals you have to discharge your responsibility, and that is to respond to those who need help, and he has done that.

JOE MCDADE serves right with him, both of them together.

We feel in unison, unequivocally, we believe that we are leaving this business of ours in Pennsylvania in good hands.

I want JACK to know that I appreciate all the time that he has spent making very close relationships with all our speakers, all the Presidents. A lot of our colleagues here in the delegation and also on the floor of the House do not know or are not cognizant of the fact that on many occasions he had invites to go to baseball games with Carter, and Tip O'Neill did not have the invite. When he found out about it, here is the Speaker of the House who had to go to JACK MURTHA to get on the plane to fly down to a particular baseball game.

But I want this to be as a matter of record here. It was somewhat unique and different for me to be talking about someone who is going to stay.

Again I want to emphasize the fact, having been involved all these years, we want to make sure that we leave what we have done in capable hands. We are sure, all of us have concluded, again unanimously, we know we are going to have an even better record in the years to come.

Let me conclude by saying, JACK, that I appreciate personally and most of the delegation appreciates personally what you have done when you served on our special committees, when you served and you got all our individuals, both on the Republican and on the Democratic side, I know you even crossed over there, to get them on to meaningful committees. I know there have to be an awful lot of exchanges, a lot of cross-promises. You have to be a master at that.

The newspapers have done you justice in the past. They have said on many occasions, twice in fact I remember, the best backed venture in the House is JOHN MURTHA. He gets things done and does not ask for credit.

So JACK, again I am concluding by saying, you are in good hands, like Allstate. You and JOE MCDADE are really going to make this delegation work.

Mr. MURTHA. Mr. Speaker, it is a privilege to serve with you, JOE. I appreciate those kind remarks, but I do not want anybody to think I am retiring because of those nice remarks.

Mr. MCDADE. Mr. Speaker, I was pleased to call this special order today, along with my colleague JACK MURTHA, to honor the five Members of the Pennsylvania delegation who are leaving the House of Representatives.

My five colleagues: JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER, have served their country and their constituents with distinction and honor. They have enhanced the House of Representatives with their service, and I know that their colleagues will miss having them with us on a daily basis.

Those of us in the Pennsylvania delegation pride ourselves on the harmonious relationship we maintain. As a delegation, we meet regularly on issues of importance to our State, and we put partisan differences aside to serve the citizens of the Commonwealth.

The influence of the delegation spreads over a multitude of House committees allowing our State to place its stamp on virtually every piece of legislation passed by this body. We have 9 House subcommittees chaired by Pennsylvania members, and 3 full committees, and 10 subcommittees have Pennsylvania members who serve as ranking Republicans.

I know that my colleagues will want to speak on the contributions of the departing Members, but I want to first to take a minute to express my appreciation to the five Members for their outstanding work and their cooperative approach to serving the citizens of our State. Combined, they represent over 100 years of service. It will be a long time before we can replace their expertise and influence.

JOE GAYDOS

JOE GAYDOS has championed worker health and safety, labor, worker pension, and education issues for the past quarter century. He has left his imprint on numerous pieces of legislation, including the Federal Coal Mine Health and Safety Act, the Occupational Safety and Health Act, and the Employment Retirement Income Security Act. As chairman of the Subcommittee on Health and Safety, he has been in the lead on such important issues as high risk occupational disease notification and the identification of hazards in the workplace. JOE GAYDOS has also distinguished himself as an active member of the Postsecondary Education Subcommittee, chairman of the House Subcommittee on Accounts, founder of the steel caucus, and former dean of the Pennsylvania delegation.

LARRY COUGHLIN

I have had the honor and good fortune of working with LARRY COUGHLIN on the Appropriations Committee. I have seen firsthand his effective leadership as ranking member of the Transportation Subcommittee and as an active member of the subcommittee responsible for housing, community development, environmental programs, science, space, and veterans programs. LARRY used his influence on the committee to improve the lives of millions of Americans. Larry will also be remembered for his dedicated work as Republican chairman of the House Select Committee on Narcotics Abuse and Control.

GUS YATRON

GUS YATRON, the only Member of Congress to have been a professional boxer, has fought hard for the interests of Pennsylvania. On the national level, he plays an active leadership role on the Foreign Affairs Committee, and serves as chairman of the Subcommittee on Human Rights and International Organizations. He also serves on the House Post Office and Civil Service Committee and has been an effective member of the steel caucus, the textile caucus, the congressional coal group, and the Northeast agriculture caucus.

DICK SCHULZE

DICK SCHULZE has been a strong voice for Pennsylvania as a senior member of the House Ways and Means Committee, where he has been a leading spokesman for tax relief for middle income Americans and small business people. He has worked for tax simplification and tax policy to make America more competitive. He has also used his platform on the committee to further the goal of fair trade in the international marketplace. DICK was a two-term chairman of the Republican Study Committee, and currently serves as chairman of the congressional sportsman's caucus and vice chairman of the congressional steel caucus.

JOE KOLTER

JOE KOLTER has served the State and the Nation well as an effective member of the Public Works and Transportation Committee. He currently serves as chairman of the Subcommittee on Economic Development and is active as a member of the Subcommittee on Aviation and Water Resources. He will be remember for, among other things, his successful effort during his first term to shepherd high-speed rail legislation through Congress. JOE has also served with distinction on the House Administration Committee and on the congressional steel and coal caucuses.

Pennsylvania, the Nation, and the House of Representatives is losing a great deal with the departures of these five Members, but we can certainly look back over their congressional careers and know that we have gained a great deal from their service. I know I speak for the entire Pennsylvania delegation in saying that I am grateful for their friendship and their achievements as legislators. I salute them for their accomplishments, and I wish them the very best in their new endeavors.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 18 years, and a good friend. The gentleman from Pennsylvania [Mr. SCHULZE].

As a member of the House Ways and Means Committee, Mr. SCHULZE has worked diligently to advocate and enhance trade in this Nation, as a member of the Ways and Means Subcommittee on that issue. While serving on the committee, he has worked tirelessly in the true spirit of bipartisanship.

DICK SCHULZE has worked to protect and preserve our natural resources, as a member of the Interior and Insular Affairs Committee. His dedication to protecting those great lands, both in his district and across the country, is unparalleled.

While serving with DICK SCHULZE for the last 8 years, I have been fortunate enough to share some of his thoughts on the many complex issues faced by this Congress.

His sound advice has always been welcomed while his good counsel has always been appreciated, as we have worked together in a number of areas.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania [Mr. SCHULZE], and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, today I come to the floor to honor one of our great Members in the House of Representatives from the Commonwealth of Pennsylvania, Congressman GUS YATRON.

Congressman YATRON began his public service in 1955 by serving on the Reading School Board, and later in 1968 came to Congress after several success-filled years in the Pennsylvania General Assembly and State Senate. During his tenure in the House of Representatives he has served his country and fellow constituents with distinction. His service on the prestigious Foreign Affairs Committee as the third ranking member is a testimony to Mr. YATRON's commitment to insuring America's role as a leader of Nation's on the world stage.

In addition to Mr. YATRON's commitment to the country's strength and international standing comes his devotion to his constituents in the Commonwealth of Pennsylvania. It is obvious by his tenure, that Mr. YATRON is highly regarded in his district, and has served his constituency well. His home Reading, PA being an old mill town, he has fought religiously for jobs in the textile and apparel industries through his membership on the House textile caucus. As a comember of the House steel caucus, I have seen his commitment to fight for American jobs personally and know that it is beyond reproach.

In a time of great domestic uncertainty this country will miss the tested leadership that Congressman YATRON possesses and I must say that with many new Members who will reconvene for the 103d Congress, they will do well to embrace Mr. YATRON's style and resolution.

I know that I speak for myself as well as the rest of the delegation in wishing GUS and his wife Shirleen all the success and happiness in their future endeavors, and in expressing a heartfelt thank you for his service to Pennsylvania and our great Nation.

Mr. BROOMFIELD. Mr. Speaker, among the pleasures of serving on the Foreign Affairs Committee I'd include working not only with some of the most fascinating issues that come before Congress, but also working with some of Congress's most thoughtful and congenial Members.

Among those at the top of this list is GUS YATRON, who is retiring this year from Congress. GUS and I served together for nearly a quarter century on the Foreign Affairs Committee. He is a real gentleman, one who brings deeply held convictions but an open mind to the work of the committee.

For much of the past quarter century GUS and I have worked together on issues concerning relations between Greece and Turkey. GUS has devoted a lot of his time and energy to this issue and he has provided some real leadership in the search for a just and lasting peace on the island of Cyprus.

GUS is also an advocate of bipartisanship, and he practices what he preaches. He knows that American political life benefits from the consideration of many opinions, but that in its foreign policy, America must speak with one voice. I know that I could always count on him to give the legislative proposals of Republican administrations and individual Republican Members a fair hearing.

As my fellow Members are well aware, GUS was a professional boxer. Much of the strength of purpose and persistence he learned in the ring have been put to good use on behalf of his constituents in southeastern Pennsylvania.

Not only has GUS been a conscientious and effective legislator, but he is a truly decent human being. I will miss him.

Mr. BEVILL. Mr. Speaker, it as an honor to join my colleagues in congratulating our friend and distinguished colleague, JOSEPH M. GAYDOS, for his outstanding service in Congress. JOE is leaving the House after serving the 20th District of Pennsylvania for almost 24 years.

During those years, JOE has dedicated himself to the cause of worker health and safety and he is highly regarded for his work on many labor issues. JOE has served as chairman of the House Education and Labor Subcommittee on Health and Safety since 1977. In this role, he has authored and shepherded through Congress important pieces of labor legislation.

JOE founded the congressional steel caucus and has been in the forefront of many trade issues. He has pushed for fair trade and understands the uphill battle that American manufacturers have faced in recent years.

I have enjoyed a close friendship and working relationship with JOE over the years and I will personally miss him. The Nation will miss his leadership as well, but his accomplishments will long be remembered and appreciated, especially in the workplace.

Mr. FASCELL. Mr. Speaker, it is my pleasure to join with our colleagues in paying a fond farewell to members of the Pennsylvania delegation who will not be returning to Congress next year.

I have enjoyed my association through the years with JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, and DICK SCHULZE. Their dedication to the work of the Congress, their leadership and their solid contributions to our deliberations here will be remembered and emulated.

Beyond my own good wishes, I am sure that the people of Pennsylvania, and indeed of the entire Nation, go with them as they prepare to take their leave of us.

I would be remiss if I did not seize this opportunity to pay a special tribute to my good friend and long-time colleague on the Committee on Foreign Affairs, GUS YATRON.

I can easily think back to the 70's when Gus and I teamed up to bring pressure on the warring parties in Cyprus so that they would settle their differences in the political arena, instead of on the battlefields of that beleaguered land.

Beyond that, GUS was always steadfastly at my side, and I at his, through the years when we saw to it that the cause of human rights were included as an integral part of U.S. foreign policy.

We did the same to assure that human rights were always a top priority whenever the United States aligned itself with social and semigovernmental systems being put in place through the United Nations.

I think it would be fair to say that GUS and I were in the forefront of the human rights brigade before it became quite so popular.

In recent years, GUS has served ably and with enthusiasm as the chairman of our Subcommittee on Human Rights and International Organizations.

I will treasure my association with GUS and I wish him the very best as he starts off in a new direction in life.

Mr. BLILEY. Mr. Speaker, I would like to take the opportunity of this special order to say a few words about two of my good friends and esteemed colleagues, Representatives LARRY COUGHLIN and DICK SCHULZE. I have had the great pleasure of knowing these two outstanding leaders who hail from Pennsylvania for the 12 years that I have served in the House.

LARRY COUGHLIN has the revered position of being a fellow member of the highly regarded congressional bow tie caucus. As members of this fashionable group, LARRY and I realize the advantages of wearing this easily recognized trademark. However, on more than one occasion some reporter or tourist has approached me, reached out to shake my hand, and said, "It's nice to meet you Representative COUGHLIN." I surmised it was because LARRY and I share this distinctive fashion statement.

LARRY has provided his constituents in the suburbs of Philadelphia with superb leadership and service for 24 years now. As a senior member of the House Appropriations Committee, he leaves behind a long record of accomplishments in this House. We will miss him as he bids farewell to this institution in pursuit of retirement and some well-deserved relaxation.

Representative DICK SCHULZE also represents an area outside of Philadelphia, which he has loyally served for 18 years. DICK and I have become very good friends over the years. He and I are both members of the Republican Acorns organization and have worked together on numerous legislative initiatives, particularly in the health care arena. As one of the senior Republicans on the Ways and Means Committee, DICK'S leadership on Republican endeavors has been invaluable and will be greatly missed. I will miss his constant friendship as well.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 24 years, and a good friend. The gentleman from Pennsylvania [Mr. COUGHLIN].

As the ranking Republican on the Appropriations Subcommittee on Transportation, LARRY COUGHLIN served tirelessly in consistent protection of mass transit, housing subsidies, and the multitude of other critical programs. He has worked diligently to preserve the spirit of bipartisanship in the Congress.

LARRY COUGHLIN has recognized the increasing problem of drug abuse in urban areas, and is now serving as the ranking Republican on the Select Committee on Narcotics. His dedication to solving the increasing drug problem of America is a true sign of his dedication to his work and to his country.

As a fellow member of the Appropriations Committee, I have had the great fortune of working with LARRY COUGHLIN. His advice has always been sound, and his counsel has always been greatly appreciated. His dedication to his constituents, his job, and his country is truly second to none.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania, for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania, Mr. COUGHLIN, and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, it is with great regard I come today to honor Congressman DICK SCHULZE of Pennsylvania. DICK is a nine-term Member of the House of Representatives. As a freshman Member in 1974 DICK was appointed as an adviser to the Conference on Disarmament, and to the ongoing Strategic Arms Limitation Talks [SALT], both held in Geneva. He was the only freshman Member asked to serve for this great purpose.

His attitude and dedication on this issue showed early on that DICK was headed for and did not shrink from his responsibility of leadership. Leadership which has been evident through his tenure on the powerful Ways and Means Committee. We all know that writing the tax laws in this country can more often than not be a thankless job. Yet DICK's hard-working demeanor and commitment on tax issues have become vanguards for many middle-income Americans and small businessmen.

Due to his many duties on the Ways and Means Committee along with his unprecedented two terms as chairman of the Republican Study Committee, Congressman SCHULZE has been at the forefront of many momentous pieces of legislation this body has debated. One of the areas we looked to DICK for guidance was trade. He realized the importance of American competitiveness abroad and believed that if America is forced to compete, American innovation will not only win the peace, but also make our country a leader in production and development of new technologies. And just now as exports account for more of our economic activity than at any other time in history, are we beginning to realize what Mr. SCHULZE has been fighting for on trade policy over his 18 years as a Member of this House.

It is obvious that a man with as many wide and varied talents as DICK, will be sorely missed in this Chamber. And I know that wherever he chooses to serve in the future, it will be filled with success.

Mr. GILLMOR. Mr. Speaker, I am pleased to take this opportunity to pay tribute to Congressman LARRY COUGHLIN, who will retire at the conclusion of the 102d Congress.

The Almanac of American Politics called LARRY COUGHLIN one of the lead Republicans on anti-drug legislation. As a member of the Select Committee on Narcotic Abuse and Control, where LARRY serves as the ranking Republican, I have had the opportunity to see this leadership first hand. It has been impressive, competent, and energetic. I can say without hesitation that LARRY COUGHLIN has made a real difference in the war on drugs.

In the time I have known LARRY COUGHLIN, one thing has become very clear: It is no wonder why his Pennsylvania constituents have repeatedly reelected him by comfortable margins. He is honest, he is friendly, and he has an exemplary commitment to the principles on which America was built.

It has been a pleasure to work with LARRY COUGHLIN. I wish him a happy retirement, a retirement blessed with the fond memories that come with an accomplished public career.

Mr. YATRON. Mr. Speaker, I rise this evening with a profound sense of sadness mixed with a deep sense of joy. The 103d Congress will convene next January, and the Pennsylvania delegation will be without four of its most distinguished and elegant voices. My good friends and great colleagues Congressman JOE GAYDOS, Congressman LARRY COUGHLIN, Congressman DICK SCHULZE, and Congressman JOSEPH KOLTER will be leaving this august institution.

It has been an honor for me to be associated with these four energetic Representatives, as indeed it has been rewarding to be associated with the entire Pennsylvania delegation. I have no doubt that the House of Representatives and the great Commonwealth of Pennsylvania will suffer in their absence.

My good friend JOE GAYDOS and I came into Congress at approximately the same time, he 2 months before me. We weren't strangers as

we had served in the Pennsylvania State Senate together. JOE and I have shared fond memories of working in Congress—sitting on the back bench listening to debates, working together to better the interests of all Pennsylvanians, and seeing Congress change in many different ways.

JOE GAYDOS has worked to preserve the safety of workers through his strong and unbending protection of workers' rights as chairman of the Subcommittee on Health and Safety. He knows the importance of keeping people safe on the job, and he has done an outstanding job as chairman. The people he represents from McKeesport, New Kensington, and other cities and towns in southwestern Pennsylvania have re-elected a Congressman who carries their interests at heart. JOE GAYDOS has served his constituents well—they will surely miss his fine representation, as I will miss a true friend.

My good friend and neighbor DICK SCHULZE has served the fifth District with vigor and distinction. DICK has been a strong and active voice for Pennsylvania on the House Ways and Means Committee. I have approached DICK many times for assistance with important tax and trade legislation and he has always extended an open hand to me and my constituents. He did this out of the sheer kindness of his heart, and because he knew we both were trying to help business survive and succeed in Pennsylvania.

DICK always had a strong voice for fair and free trade, and never shied from leading the fight against those countries who would take advantage of this Nation's trading policies. Dick has also been an aggressive and successful advocate of the environment. Our districts share much of the same verdant beauty that is associated with eastern Pennsylvania, and DICK leaves behind him an admirable record of working hard to protect and preserve that environment for future generations.

I also feel lucky to have had the privilege of serving with LARRY COUGHLIN. Along with JOE GAYDOS, LARRY and I served together in the Pennsylvania State Senate and came to the House as freshman in 1968. LARRY is a true Pennsylvania gentleman, and has been an outstanding representative for the people of the Pennsylvania area.

His distinctive bow tie and hard work on the Appropriations Committee and Select Committee on Narcotics Abuse and Control have distinguished him as a true force in the House. All Americans are in his best debt for his efforts on the Transportation Subcommittee and his leadership with the many far-reaching, forward—looking highway bills he has worked on. LARRY's congenial spirit has won him many friends on both sides of the aisle. At the end of this session, the House is losing a truly outstanding Member with the retirement of LARRY COUGHLIN.

I have also had the honor of serving with JOE KOLTER. JOE has been a good friend to me and to Pennsylvania since he came to Congress in 1982. His friendly nature and warm personality have made him a well-liked and much sought-out member of the Pennsylvania delegation. JOE has also been an excellent Representative for western Pennsylvania and a wise and compassionate voice for the working men and women of America.

JOE KOLTER's name is synonymous with spirited and effective constituent service and his dedication will be missed on the Public Works and Transportation and House Administration Committees. Always a gentleman, JOE KOLTER's hard work, kind smile, and devotion to the Commonwealth has earned him the tremendous respect and admiration of his peers.

Mr. Speaker, I will miss the camaraderie of my colleagues almost as much as I will miss serving the people of Pennsylvania's Sixth District. It has been a labor of love for me these past 24 years, and that labor was made all the more easier through the wisdom and fellowship of my colleagues. I wish JOE GAYDOS, LARRY COUGHLIN, JOE KOLTER, and DICK SCHULZE only the best of health and happiness in the coming years. I also extend to them my heartfelt gratitude for allowing me to join them in service to the citizens who make the Commonwealth of Pennsylvania that great place it is.

Mr. SHUSTER. Mr. Speaker, it is with great respect and admiration that I come here today to honor Congressman JOE KOLTER of Pennsylvania. JOE is a five-term Member of the House who has represented the people of the Fourth District with distinction and honor. He has been a powerful and adamant voice for the concerns of his constituents for the past 10 years.

If anything epitomizes JOE'S service, it is his efforts on behalf of the working men and women of the Fourth District. He has never wavered in his support for the unemployed and worked diligently to increase unemployment compensation for displaced workers. He has also repeatedly led legislative efforts to keep U.S. jobs from moving south of the border and overseas, and to protect American Jobs from unfair competition from abroad. These efforts culminated in the closing of a loophole allowing unlimited imports on electrical steel.

One of my great honors I have had during the last 10 years has been to serve with JOE on the Public Works and Transportation Committee. JOE'S dedicated service to the committee paid off early when his high-speed rail magnetic levitation train system legislation was passed into law in 1984. Recently, I had the pleasure of working with JOE to write and pass the Intermodal Surface Transportation Efficiency Act of 1991. JOE'S contribution to the successful enactment of this monumental legislation, which completed the Interstate Highway System, cannot be overestimated. Likewise his efforts on behalf of aviation funding and his tenure on the Government Operations Committee should not go unheeded, for hereto he has left his mark of excellence.

The members of our committee, the members of the Pennsylvania delegation, and the Members of this Chamber will certainly miss JOE. I am certain that JOE will take his passion, his caring, and his joviality to wherever he chooses to serve in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman JOSEPH GAYDOS of the 20th District of Pennsylvania for his 24 years of outstanding service in the House of Representives.

Mr. GAYDOS has served his constituents well, rising to the second ranking position on the Education and Labor Committee, where he chairs the Subcommittee on Health and Safety, the panel that oversees OSHA and provides protection for the workers in his district, and spearheaded the Employee Retirement Income Sercurity Act.

I have also had the opportunity to observe firsthand his leadership on the Committee on House Administration. In addition to serving on my Printing and Procurement Subcommittee, he chairs the Subcommittee on Accounts.

As executive committee chairman of the congressional steel caucus, Mr. GAYDOS has fought for the survival of the domestic steel market and the economy of his district, demonstrating that he has not forgotten his roots as an attorney for the United Mine Workers.

As many of us are preparing to depart this year, it is appropriate to stop for a moment and salute Mr. GAYDOS, one of the veteran legislators among us, and to whom I give my best wishes for a happy retirement.

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Congressman JOE GAYDOS, who will retire at the conclusion of the 102d Congress.

As the ranking Republican on the Committee on House Administration's Accounts Subcommittee, I have had the good fortune to work extensively with the gentleman from Pennsylvania [Mr. GAYDOS]. As chairman of that subcommittee, he has always been fair, gregarious, judicious, and honest.

JOE and I have worked together to set the budgets of the various committees of the House. I think he would agree when I say that this task has not made JOE and I the envy of this institution. Our job has not been easy.

For JOE, this task has sometimes involved saying "no" to the most powerful Members of the House. It has involved addressing the grievances of those of us in the minority. In my work with JOE, he has always had the resolve to do the former, and the patience and attentiveness to do the latter.

This year offered a unique challenge for the Accounts Subcommittee. With the Federal deficit at an all-time high and confidence in Congress's ability to manage itself at an all-time low, JOE took an admirable leadership role in passing a funding resolution that froze committee spending at last year's levels.

Getting that kind of resolution passed would be a daunting task under any circumstance. But it is especially so when you are dealing with committees that have come to expect large, sometimes massive budget increases. In one case, a committee came to us with a request for a 41-percent increase. But in his quiet, steady way, JOE GAYDOS did his part to tighten the belt, to get the job done.

When I became ranking member of the Accounts Subcommittee, one of my goals was to increase the proportion of committee funds allocated to the minority. We have made significant progress in this area, in no small part due to the willingness of JOE GAYDOS to listen and cooperate.

Mr. Speaker, I will miss serving with JOE GAYDOS. In addition to his professional courtesy, he has been a good friend. Working with him and his outstanding staff his been a true pleasure. I wish him all the best in the years ahead.

Mr. QUILLEN. Mr. Speaker, I rise tonight to pay tribute to my distinguished colleague from

Pennsylvania, my good friend LARRY COUGHLIN. LARRY is retiring this year after 24 years as a Representative from eastern Pennsylvania, and we will all miss him.

I can think of few Members of Congress who work harder or are more giving than LARRY COUGHLIN. He matched a distinguished career in the Korean war with degrees from Yale and Harvard, and he worked his way through law school working on an assembly line. He also served with distinction in both houses of the Pennsylvania Legislature before his election to this body in 1968.

As vice-chairman of the Transportation Subcommittee of the House Appropriations Committee, LARRY has provided critical leadership in the building and support of America's public works and infrastructure. His conscientious efforts have reaped major successes in this country's transportation policy. LARRY has also been one of the Members of Congress who is always ready to assist other Members. He has always been there for a friend in need, and we will never forget that.

As he departs this House, I want LARRY to know how much he has meant to all of us on both sides of the aisle. I wish him well in his return to private life, and I want him to know that I will always remember him and his accomplishments with fondness and gratitude.

Mr. SCHULZE. Mr. Speaker, as the clock ticks down the final moments of the 102d Congress, many thoughts have crossed my mind regarding the unresolved issues and problems facing this Nation, my tenure in this Chamber and my fellow retiring colleagues. When I walk down Statuary Hall here in the Capitol Building, I see the figures of many great statesmen who sacrificed and struggled to lead this country towards peace and prosperity. They fought to guard States' rights and individual liberty. They struggled to mold a government which would not transform itself into a twin of the oppressive governments from which they and their ancestors fled. They sought to fortify freedom through limited Government and individual liberty.

Their examples have been my credos. My fellow retiring Pennsylvanians and I hail from the cradle of these liberties. We labored separately and together to lend continuity to this heritage, a heritage which at times appears to dissolve into conditions perilously similar to the oppressive regimes which despised our freedoms and disdained our people. Only an educated and vigilant citizenry can preserve this experiment in liberty and representative government, only a citizenry which practices personal responsibility, the indispensable companion to our rights.

The challenges we face are remarkably the same today as they have been for hundreds of years. Taxes and trade practices have been topics of controversy from their beginnings. While my friends—Congressmen JOE GAYDOS, JOE KOLTER, LARRY COUGHLIN, and GUS YATRON—and I represented the Commonwealth of Pennsylvania, taxes and trade issues have been a staple of our work.

The mushroom growers and processors constitute a major industry in southeastern Pennsylvania and employ many of its residents. When foreign producers have endeavored to use unfair trading practices and preferential tariff programs to drive the American mushroom industry into extinction, the entire Pennsylvania delegation has rallied together to set things right. This esprit de corps of bipartisan unity is an important example of objective legislation, in contrast to the increasingly acrimonious partisanship practiced in today's Congress. I credit my Commonwealth colleagues with their vision and integrity to do what is right for America and our fellow Pennsylvanians. In particular, with regard to the mushroom industry, GUS YATRON deserves special recognition for his leadership and initiative in combatting unfair trade practices so injurious to the U.S. industry.

These practices are not confined to the mushroom industry, but also afflict the American steel industry. As vice-chairman of the congressional steel caucus, I credit my retiring companions, and other delegation members, for the successes we won for the steel industry—not just in Pennsylvania, but across this Nation. Unscrupulous foreign steel manufacturers sought every stealthy angle to undermine this industrial base which is so critical to our national security.

In this regard, I must make particular mention of Congressman JOE GAYDOS' leadership, as chairman of the steel caucus, in addressing foreign threats against thousands of American steelworkers, many of whom are Pennsylvanians. Together, we secured voluntary restraint agreements which bought time for American steel producers to retool, modernize and comply with federally mandated environmental regulations. As a result, our air, water and soil is cleaner, our workers are healthier, our steel factories are the most efficient and cost-competitive in the world, and thousands of Americans are still employed in steel production. Again, this was a shining example of the Pennsylvania delegation's unity and resolve.

Nobody understands better how a community hurts when steel jobs are lost, than Congressman JOE KOLTER. When the steel caucus lined themselves up along the line of scrimmage, JOE was with us, shoulder to shoulder. Thank you for your consistent and faithful support.

Mushrooms and steel are only a part of the challenges confronting the legislators of the Commonwealth. In southeastern Pennsylvania, industry and business have grown tremendously, along with increased population. The resulting traffic gridlock has been stifling. As vice chairman of the House Appropriations Subcommittee on Transportation, Congressman LARRY COUGHLIN has played a leading role in unstopping the gridlock. Hundreds of thousands of commuters whisk to work because of his leadership. Numerous critical transportation projects in Pennsylvania are underway today because of LARRY'S good work. As a testament to his service, LARRY COUGHLIN is a household name in my congressional district.

In my last days of traversing the halls of the U.S. Capitol, the world's symbol of representative government, my reflections are on continuity—the perpetuity of a free society. My conscience is clear; I've done my best, and I and proud to have served at the side of my distinguished Pennsylvania colleagues and friends. I and the citizens of the Fifth Congressional District will always be grateful for your support.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman GUS YATRON, who is retiring this year after serving Pennsylvania's Sixth Congressional District since 1968.

During the years he served on the Committee on Foreign Affairs, and as chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON has consistently worked for human rights in all corners of the world, from the Middle East to China. In addition, he favored the United Nations long before that organization achieved its current level of recognition. Proud of his heritage, he has supported the interests of Greek-Americans with the same persistence he formerly demonstrated in the boxing ring.

Through all of his global involvements, he has never forgotten the concerns of his constituents. At home, he has helped the many coal miners in the region with black lung cases, and in Washington, he has defended the textile industry in his district from unfair foreign competition.

GUS YATRON has compiled an excellent record of achievement during his service in the Congress. As he leaves this body, I congratulate him and wish him well in all of his endeavors.

Mr. SHUSTER. Mr. Speaker, I am here today to pay tribute to a very special person. JOE GAYDOS and I grew up in the same small town in the steel valley of western Pennsylvania—Glassport. We attended the same schools and, in fact, at different times, we even lived in the same apartment. So, I have known JOE GAYDOS longer than I have known any other Member of the U.S. Congress. He was outstanding as a young man in Glassport High School, he was outstanding as a lawyer in the steel valley, and he has been an outstanding Member of Congress. In fact, some years ago when I returned to the steel valley, a reporter observed that had I continued to live there, I might have been running against Congressman GAYDOS. I quickly replied that had I still been living there, in all probability I would have been voting for Congressman GAYDOS. This of course got me in some trouble with the local Republican Party, but facts are facts.

Congressman JOE GAYDOS has spent over half of his life in the service of others. First in the Armed Services during the Second World War and then in the Pennsylvania Senate and from 1968 to present as a U.S. Congressman from the 20th District.

Throughout his career JOE has been a constant friend to the workers of America and Pennsylvania. As a freshman Member he was instrumental in the passage of the Occupational Safety and Health Act of 1970. In 1977, he took the subcommittee chair of the Health and Safety Committee, and continued his lifelong fight to insure a safe and productive workplace for the 119 million workers in our country today.

Mr. Speaker, to consider the seasoned legislator is to recall JOE GAYDOS' tremendous legislative accomplishments, and the legacy which our Congress is losing by his retirement. The commitment that JOE brings to his work in Washington and back in his district, is truly an inspiration to both the hard-working men and women of Pennsylvania and to his

colleagues. Mr. Speaker, as the saying goes, JOE makes the art of compromise look easy and he has been throughout his tenure in the House without a doubt a true statesman in every sense.

In closing Mr. Speaker, I would like to convey just how much I and the Pennsylvania delegation will miss working with JOE GAYDOS. JOE has been the cochair of our delegation and his leadership there has been most helpful in directing our common initiatives. JOE, I extend to you and your wife all the hopes for a rich and rewarding retirement from the U.S. House of Representatives, and a commitment to you that the Pennsylvania delegation will continue on in your spirit of bipartisanship.

Mr. CLINGER. Mr. Speaker, this evening I am pleased but also saddened to join in this special order honoring our retiring Pennsylvania colleagues—JOE KOLTER, GUS YATRON, LARRY COUGHLIN, and DICK SCHULZE. Each in their own way has made important contributions to the work of the House.

I have enjoyed serving with JOE on the Public Works and Transportation Committee where he has ably led the Economic Development Subcommittee in recent years. As a former EDA employee and one who believes in the mission of the agency to generate private sector jobs with a modest federal investment, I have appreciated Congressman KOLTER's strong support of the agency and his efforts to have it reauthorized.

JOE and I have adjoining districts and for the past decade have shared one county. Though we are of different parties, I always found him very cooperative and we have worked together to address the problems of the area. I wish him good fortune in the future.

Congressman YATRON is anther good friend and valued colleague who will be missed. Throughout his 12 terms in Congress, GUS has been an effective and hard-working Member especially in his leadership of the Human Rights and International Organization Subcommittee of the Foreign Affairs Committee. For a former outstanding boxer, GUS YATRON is a surprisingly gentle and engaging person. I have enjoyed his friendship and I know that his constituents, who have routinely and overwhelmingly reelected him term after term, are as sorry as I am that he has decided to move on.

Our long-time dean, JOE GAYDOS, is also signing off at the conclusion of this Congress. I probably owe him my life because it was JOE'S needling that finally got me to do something I was unable to do before, to give up smoking.

As dean of the delegation, JOE was always completely fair and generous to we Republicans. The nonpartisan nature of our delegation was totally due to his generosity and character. His leadership mattered and resulted in good things for Pennsylvania. I consider JOE a close friend, to whom I owe much and to whom the Commonwealth owes even more. Both the Commonwealth and I will miss his smiling face and outstanding service.

Congressman SCHULZE, how to describe him: hard-nosed, hard-working, smart, funny, principled, stubborn. All in all, a hell of a good legislator. It takes a while to get to know DICK SCHULZE. I remember when I first met him, it was a very intimidating experience because he seemed pretty brusque, rather forbidding. But I soon learned that my first impression was totally deceiving. He is a thoughtful and loyal friend who has been enormously helpful to me as a mentor and to the Commonwealth of Pennsylvania as a senior member of the Ways and Means Committee. He has made extraordinary contributions to the State with little fanfare and without seeking personal credit or recognition.

As chairman of the sportsmen's caucus, DICK has worked tirelessly to bring the concerns of the millions of sportsmen and women to the forefront of congressional attention. I know that he will continue to be a forceful and articulate spokesman for sportsmen's issues in the years ahead.

It has been a joy to serve with DICK SCHULZE. This place will be a lot less interesting and a lot less fun without him.

Finally, I am also going to sorely miss LARRY COUGHLIN. Without his support and counsel I would not have come here 14 years ago to be able to bid him farewell today. As Pennsylvania's representative on the Republican Congressional Campaign Committee, LARRY was willing to take a chance on a wet-behind-the-ears neophyte, and urge the committee to provide me with financial support. Throughout that first campaign LARRY was an invaluable counselor and I really doubt I would have won the election without his advice and support.

He has been a superb asset for Pennsylvania in his key role on the Appropriations Committee and most especially as the ranking member on the Transportation Subcommittee. The high quality of Pennsylvania's infrastructure, from highways to airports, waterways, and rail systems owes much to the effectiveness of LARRY COUGHLIN on the subcommittee. Beyond Pennsylvania, LARRY has been a leader in shaping transportation policy for the entire Nation. In a demanding and challenging assignment, LARRY has executed with uncommon skill.

He is probably the most reliable and selfless member of the delegation. He has never been too busy to undertake any job on behalf of the group whether it was raising money or hosting functions or coming to the aid of a colleague, he has always been there.

This is a man who has served his country long and well, first as a U.S. Marine officer, then as a leader in his community and State, and for the last 24 years as a respected national leader in the U.S. Congress.

This body is diminished in ability and intellectual vigor by his departure.

Mr. CRANE. Mr. Speaker, our good friend and colleague of almost two decades is about to retire from this Chamber. DICK SCHULZE of Pennsylvania has decided to bring to an end a distinguished congressional career which began with his election in 1974.

DICK SCHULZE has an outstanding record of protecting the interests of the constituents of his Fifth Congressional District in Pennsylvania, and those constituents recognized his efforts by continually returning him to the House of Representatives by large margins.

His knowledge of local problems back home can be traced to his proprietorship of a business in Paoli as well as his service to area citizens in such posts as Chester County Register of Wills and clerk of Orphans Court before his election to the Pennsylvania House of Representatives. Three terms in the Pennsylvania House gave him a legislative foundation for service in this Chamber.

I have had the privilege and the pleasure of serving with DICK on the House Ways and Means Committee. It is on the House Trade Subcommittee, on which we both currently serve, that I have seen the purpose, the drive and the results of the efforts of DICK SCHULZE.

And he has been a leader on the full committee on tax legislation to help the small businessmen who employ so many millions of American workers.

Besides serving his country in the national legislature, DICK also saw 2 years of duty with the Army.

DICK SCHULZE has been an outstanding Member of the House of Representatives and we, his friends, wish him well in his retirement.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to distinguished members of the Pennsylvania delegation who will depart from the House at the end of the 102d Congress.

I am pleased that we have this opportunity to honor men like LARRY COUGHLIN, JOE GAYDOS, JOE KOLTER, DICK SCHULZE, and GUS YATRON who have played such an active role in the daily activities of this Chamber. As Members labor to finish the business of the House before adjourning, it is appropriate that we should pause to take stock of the immense public contribution made by these gentlemen.

The Commonwealth of Pennsylvania is fortunate to have been represented by men of such diverse backgrounds and varied interests. While there may be differences among them in personal experience, party affiliation, and residence, they all share a common commitment to providing the people of their districts with dedicated representation on issues of local and national interest.

Representative LARRY COUGHLIN has chosen to leave the House this year after a long and distinguished period of service in the House which began in 1968. As one of our delegation's senior members, he has provided an outstanding example to new members from Pennsylvania who would aspire to follow this standard of independence and personal integrity.

While always a loyal member of his party, LARRY COUGHLIN has displayed on many occasions a willingness to look beyond party labels. While facing at times opposition from an administration of his own party, he has been a champion of Federal support for mass transit and a leader in arms control efforts, especially during the debate over antisatellite weapons.

As the ranking member on the House Appropriations Transportation Subcommittee, LARRY COUGHLIN has played a central role in promoting investment in America's infrastructure. Urban areas like Philadelphia and Pittsburgh have benefited significantly from his forceful advocacy in support of mass transit. He has also earned the gratitude of many Members, including myself, for his support of priority transportation projects in various parts of the United States.

Representative JOE GAYDOS will leave the House this year after serving 12 terms on behalf of the people of the 20th District. Since he

came to the House in 1968 with LARRY COUGHLIN, he has labored with equal dedication on behalf of his constituents. JOE GAYDOS has been a fighter for the rights of working men and women and has been a forceful voice during efforts to preserve America's industrial base in the face of unfair foreign trade practices.

Since JOE GAYDOS welcomed me to the House in 1980, I have had many occasions to work with him on issues vital to our neighboring districts in western Pennsylvania. Steel workers and industrialists in Pittsburgh and the Mon Valley gave birth to America's industrial revolution. While our region has diversified into many new economic fields, I am pleased that I have had the benefit of working with JOE GAYDOS as fellow members of the House steel caucus to promote tough U.S. trade policies. As executive committee chairman of the steel caucus, JOE GAYDOS has helped ensure that American steel has a fair opportunity to compete in the marketplace. He has preserved our industrial heritage and helped to ensure its future.

As chairman of the House Education and Labor Subcommittee on Health and Safety, JOE GAYDOS fought successfully to defeat efforts made by the Reagan administration to weaken irreparably the Occupational Safety and Health Administration. He won House passage of ground breaking legislation to protect workers from exposure to hazardous chemicals or materials and established the foundation for future action on this issue. Whether it be on issues ranging from workplace safety, pension rights, or unfair trade, working men and women have always known that they have a champion in JOE GAYDOS.

Representative JOE KOLTER has served the people of the Fourth District in western Pennsylvania since 1982. He has labored on behalf of his constituents to ensure that they are not forgotten when Federal priorities are established. He and I share a history of city council service in our respective communities and I know that he understands as well as I do the vital need for America to have an urban policy. JOE KOLTER has been a part of this fight and I am happy that I have had an opportunity to serve with him in the House.

As chairman of the House Public Works Subcommittee on Economic Development, JOE KOLTER has worked successfully to focus America's attention on the need to invest in our country's roads, bridges, airports, and waterways. He has made clear to his colleagues and the Nation the important and central linkage between a strong infrastructure and a strong economy.

Representative DICK SCHULZE has represented the Fifth District of Pennsylvania since 1974. While I know that many of his constituents will miss his active efforts to represent them in the House, I will miss especially the opportunity to work with him as a fellow Ways and Means Committee member. We have joined together on many issues of importance to Pennsylvania and the Nation, and I regret that we shall no longer be able to present a bipartisan Pennsylvania voice on the Ways and Means Committee.

DICK SCHULZE has been a forceful advocate of a tough U.S. trade policy. He has been for many years a leader in the struggle to ensure that free trade is matched with fair trade. DICK SCHULZE has always known how important exports are to the Commonwealth of Pennsylvania and to the overall economic strength of the United States. He has also been a leader in efforts to focus national attention on human rights abuses in China and the need for the United States to consider such outrages during debates over United States-China trade relations. DICK SCHULZE deserves the thanks of workers and business leaders for his tireless efforts to make sure that unfair foreign trade practices are not ignored by policy makers in both the Congress and the administration.

Representative GUS YATRON came to the House in 1968 along with LARRY COUGHLIN and JOE GAYDOS. As the Congressman from the Sixth District of Pennsylvania, GUS YATRON has always maintained a sharp focus on the needs of his constituents. He has fought on behalf of the many textile and sheet-metal workers in eastern Pennsylvania. GUS YATRON exemplified the best tradition of the House by never losing touch with the people of his district.

GUS YATRON has been a leader in maintaining America's respect for human rights and stressing the need for the United States to speak with moral authority in world affairs. As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, he has been relentless in his efforts to focus the attention of the Congress, the administration, and Nation on reports of human rights abuses in countries governed by both friends and foes.

GUS YATRON deserves special commendation for his efforts to warn America of the threat posed by the Iraqi regime of Saddam Hussein. He was a leading voice in the fight for a United States condemnation of Iraqi human rights abuses at a time when the Bush administration was still committed to pursuing the friendship of Saddam Hussein. He also labored for many years to preserve a strong U.S. commitment to an effective United Nations even while the Reagan administration was attempting to withhold funds from this world body. GUS YATRON helped to ensure that there would still be a functioning United Nations when the United States and the world joined together in a United Nations-sponsored campaign to overturn Iraq's invasion of Kuwait.

Mr. Speaker, I want to thank each of these department members of the Pennsylvania delegation for the pleasure and honor of having served with them in the U.S. House of Representatives. There is not enough time in the remaining days of the 102d Congress to acknowledge fully their efforts on behalf of their constituents, the Commonwealth of Pennsylvania, and the Nation. Still, I am pleased that I have had this opportunity to join with my colleagues in expressing our continued respect for these gentlemen from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at the close of this the last session of the 102d Congress we begin to realize that a record number of our colleagues which we have served with for many years, will not be returning to the next Congress. It is for this purpose that we gather here on the floor today to pay tribute to these Members from the State of Pennsylvania.

Mr. Speaker, unfortunately LARRY COUGHLIN will be one of those Members who will be retiring after the end of the 102d Congress. He has served in this body with distinction. Evidence of his great service are his 12th consecutive terms, representing the 13th District of Pennsylvania.

Before his days as a U.S. Congressman, LARRY worked in a coal mine, on his family farm, served in the Army during the Korean War, and worked his way through law school. As though that was not a life already filled with great accomplishment he later sought public office and was elected to serve in the Pennsylvania General Assembly and State Senate before coming to Congress in 1968.

As the ranking Republican on the Appropriations Subcommittee on Transportation, he aided me in every way to direct critical financial resources to the paramount infrastructure needs of this country for the next decade. Likewise his efforts on the Select Committee on Narcotics Abuse and Control, have helped to pinpoint where our Nation's resources must be placed to stem the tide of illegal drugs coming to this country.

Mr. Speaker, this Chamber truly is losing one of its finest Members. One who has committed his life to the betterment of his country and its people. One who has fought for freedom on the battlefield and on the floor of this great House. In closing Mr. Speaker, I want to take this opportunity to wish LARRY and his wife, Susan, all the best in their future endeavors.

Mr. REGULA. Mr. Speaker, today provides an opportunity to express our gratitude to departing Pennsylvanians, JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER for their exemplary service and leadership as Members of the House of Representatives.

As a member of the Appropriations Committee and the steel caucus, I have been directly involved with JOE, LARRY, and DICK and have always appreciated their thoughtful approach to the challenges of these activities.

Pennsylvania will greatly miss the dedicated service they have provided to their constituents and all citizens of our Nation.

Mr. PANETTA. Mr. Speaker, I would like to join in the tribute to my distinguished colleagues from the State of Pennsylvania, who will be leaving us after so many years of faithful service. Their record of achievement serves as a tribute to the people of Pennsylvania, and to their office.

I would like to take this opportunity to thank each and every one of these gentlemen for their service to the Nation. GUS YATRON deserves our warmest accolades for his years and years of determined work on behalf of human rights around the world and his leadership in forcing international organizations to remain responsible to the nations they serve.

DICK SCHULZE is notable for his fine and steady work in economic issues. I have appreciated DICK'S grasp of economic issues as they relate to the American family, and I have also enjoyed his good humor and collegiality.

JOE KOLTER I will always remember as the man I could count on to cosponsor my bills. JOE and I see eye to eye, and I want to thank him for his warm support for my legislative initiatives.

JOE GAYDOS has established a record of which he and his constituents can be proud. It

has been a pleasure and privilege to have worked with JOE.

Finally, LARRY COUGHLIN and I have disagreed on a few issues, but I have respected LARRY'S hard work and fair-mindedness. I believe that he served his constituents honorably.

It is with regret that I find myself paying tribute to yet another group of fine men who have contributed so much to this body, and yet I welcome this chance to pay tribute to men who have served honorably for so long in the Nation's National Legislature. To all my fellow colleagues from Pennsylvania, departing after so many collective years in the House, I offer my deepest thanks for your service and your fellowship, and I wish you the best in all your future endeavors.

Mr. HORTON. Mr. Speaker, today I would like to pay tribute to GUS YATRON who will be retiring from the Congress at the end of the year. GUS YATRON has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Post Office and Civil Service, GUS YATRON has helped move this Nation's business forward. GUS and I served together on this committee and the Human Resources Subcommittee. Throughout the years, GUS has proven himself to be a friend of the working man and woman. His commitment to the little guy was certainly evident in his committee work.

GUS was also a distinguished member of the Foreign Affairs Committee. He is to be saluted for his outstanding work as the chairman of the Human Rights and International Organizations. Many of my Jewish constituents who emigrated from the former Soviet Union have benefited from his leadership in pressuring that government to permit the refuseniks to leave. On behalf of them, I want to thank Chairman YATRON for his leadership in this area.

My wife, Nancy, joins me in extending our best wishes to GUS YATRON and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to LARRY COUGHLIN who will be retiring from the Congress at the end of the year. LARRY COUGHLIN has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Appropriations, LARRY COUGHLIN has helped move this Nation's business forward. As the ranking Republican on the Transportation Subcommittee and a member of the VA–HUD Subcommittee, LARRY has been a leading Republican on urban issues and needs. His voice of support and thoughtful advice will certainly be missed next year.

And although it is fashionable in some circles to denigrate this institution and its Members, our colleagues who remain behind and our successors would do well to look to the career of LARRY COUGHLIN as one to emulate. The essence of the Congress is for Members of different views to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. LARRY COUGHLIN has done that.

My wife, Nancy, joins me in extending our best wishes to LARRY COUGHLIN and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to JOE GAYDOS who will be retiring from the Congress at the end of the year. JOE GAYDOS has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Education and Labor, JOE GAYDOS has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service and to the working man and woman.

Through his position as chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS has worked hard to ensure that workers will be safe in the workplace. Though there is no way to quantify the number of men and women who will be helped by his efforts, it is clear that a large number were spared from serious injury and possible death as a result of his leadership. As one who shares his commitment to the working man and woman, I applaud Chairman GAYDOS for his outstanding work.

My wife, Nancy, joins me in extending our best wishes to JOE GAYDOS and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, I would like to pay tribute to JOE KOLTER who will be retiring from the Congress at the end of the year. JOE KOLTER has served this Nation with distinction as a Member of this body for 10 years.

As the ranking Republican on the Government Operations Committee, I have had the honor and privilege of working with JOE KOLTER who also serves on that distinguished panel. And though we do not serve on the same subcommittees, we did work together on a number of issues before the full committee. JOE KOLTER has been a hard working, dedicated member of the Government Operations Committee who has contributed much to its success.

My wife, Nancy, joins me in extending our best wishes to JOE KOLTER and his family. We wish him the best of luck in all his future endeavors.

Mr. Speaker, today I would like to pay tribute to DICK SCHULZE who will be retiring from the Congress at the end of the year. DICK SCHULZE has served this Nation with distinction as a Member of this body for 18 years.

Through his work on the Committee on Ways and Means, DICK SCHULZE has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service.

From his position on the Ways and Means Subcommittee on Trade, DICK SCHULZE has been a tireless advocate of fair trade relations with other nations. As one who shares that position, I want to thank him for his continued efforts over the year. His advice on trade policy will certainly be missed on our side of the aisle.

My wife, Nancy, joins me in extending our best wishes to DICK SCHULZE and his family. We wish him the best of luck in all of his future endeavors.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on this special order.

The SPEAKER pro tempore. (Mr. BORSKI) Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have had a request or two here to defer to some of my colleagues. I am very willing to do that, because my special order is extensive, and I understand some people have some good short ones that I am anxious to listen to also.

Mr. Speaker, I ask unanimous consent that my special order be deferred to the gentleman from Alabama [Mr. CALLAHAN], and then to the gentleman from New Jersey [Mr. HUGHES].

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO RETIRING MEMBERS FROM ALABAMA

The SPEAKER pro tempore (Mr. BORSKI). Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 60 minutes.

Mr. CALLAHAN. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for yielding and giving us the opportunity to have this special order for those of us from Alabama and those colleagues of ours throughout the country to pay tribute to, to honor and say a few words tonight about two of our colleagues from Alabama who are retiring at the end of this term, one of them being CLAUDE HARRIS from Tuscaloosa, AL.

Mr. Speaker, at this time I yield to the gentleman from Alabama [Mr. BEVILL], the chairman of the Alabama delegation, to handle the HARRIS portion.

Mr. BEVILL. Mr. Speaker, I thank my friend and colleague, the gentleman from Alabama, for yielding to me.

Mr. Speaker, I rise to pay tribute to my good friend and fellow Alabama colleague, CLAUDE HARRIS. CLAUDE is leaving the House after representing Alabama's Seventh Congressional District for three outstanding terms.

I have enjoyed working with CLAUDE and I am really going to miss him. He is one of the best-informed members I have ever known.

He pays close attention to legislation when it is on the House floor. He knows the fine details of most bills and how they are likely to affect his district, our State and the Nation as a whole.

He also knows everything that is happening back home. Very little has escaped his attention and interest. Whenever I see him, I can always count on him to tell me something I did not know already.

CLAUDE was first elected to the 100th Congress in 1986. He had practiced law in Tuscaloosa, AL, and had served for many years as an Alabama circuit judge. He brought his fine talents and even temperament to Washington and he has made an excellent record here in a very short time.

I have had the good fortune to work very closely with CLAUDE and I have admired him for his determination and dedication to getting the job done.

□ 2000

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of these two special orders, one for the gentleman from Alabama [Mr. HARRIS] and one for the gentleman from Alabama [Mr. DICKINSON].

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, may I have 1 more minute to pay tribute to the gentleman from Alabama [Mr. DICKINSON]?

Mr. CALLAHAN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I join my colleagues in congratulating our friend and distinguished colleague BILL DICKINSON on his outstanding career in the U.S. Congress. BILL has decided to retire after faithfully serving the people of Alabama's Second Congressional District since he was first elected in 1964, during the Goldwater sweep.

BILL has been a most outstanding Member of Congress and he has done an excellent job not only for Alabama, but for our entire Nation. He has demonstrated his leadership and expertise in military matters over the years.

For the past 12 years, he has exercised extremely good judgment in his role as the ranking Republican on the House Armed Services Committee. We all have been well-served by his commitment to ensuring our national security.

I have enjoyed working with BILL over the years. Our Alabama congressional delegation is a tight-knit group and we do what is best for our State without regard to partisanship.

BILL DICKINSON has made his mark here and his accomplishments will long be remembered. We will miss him and we wish him all the best.

He spearheaded the legislation to authorize a new metal casting research program. Many universities across the country participate in this program, including the University of Alabama. Metal casting is an important American industry and he has looked for ways to help improve the technology.

CLAUDE also has been persistent in his support for Alabama's waterways. During his tenure, the new Oliver Lock and Dam on the Black Warrior River at Tuscaloosa was completed. This project has eased the flow of barge traffic through the area and has helped promote the export of American products, including Alabama coal.

CLAUDE has also been a very strong supporter of our Nation's veterans. As a member of the House Veterans Affairs Committee, he has taken a special interest in health care issues and has sought improvements in veterans' hospitals.

He also has a special concern for the welfare of children and has worked to call attention to the high infant mortality rate.

Recognizing that Alabama has a huge poultry industry, CLAUDE was instrumental in organizing an annual chicken dinner on Capitol Hill. My colleagues certainly have acquired a taste for Alabama chicken and this event has given our poultry industry well-deserved recognition.

CLAUDE's contributions as a fine public servant will always be remembered here and appreciated. With his experience and abilities, CLAUDE has a very bright future ahead of him and I know he will be highly successful in his endeavors.

Mr. Speaker, I respectfully ask permission to submit for the RECORD a dedication to CLAUDE HARRIS from his staff. Their comments are as follows:

GOODBYE AND THANKS

Today, his fellow Members of Congress have spoken about working with Claude Harris, and now, courtesy of Congressman Tom Bevill, we staff members can add our views, based on working for him, most of us for the full 6 years he has been in Congress.

Claude Harris is a man for whom all of us have been proud to work. His true commitment to public service and his absolutely unimpeachable personal integrity were an example and source of strength to all of us through these times which have seen this institution and many of its leaders brought low. However widespread the problem, we always knew our boss was the exception to the rule. With Claude Harris we truly never had to apologize, never had to explain.

Best of all, he was always the same person. Whether in public or in private, whether dealing with the highest officials or an individual constituent, he was always the same, he always listened with an open mind, and he never betrayed his own principles.

But don't think Claude Harris was some remote paragon either. No Member of Congress has a greater, more genuine interest in people and no Member of Congress was less affected by the prestige and trappings of office. Every staff member always felt free to bring their problems—professional or personal—to the Congressman. His door was always open.

We all learned from his example. It is so easy to get caught up in the press of work, to actually believe in our own importance, and then we would see our boss taking the time to do some task we might have thought was beneath us, or taking the time to speak with that troublesome caller we had hoped would go away. It was the Congressman who by his example reminded us that the only reason any of us were here was to be of service.

With Congressman Harris "pride of office" literally meant leading us in cleaning and polishing the brass to make 1009 Longworth shine. As he often said, "We may not be the best looking, but we can always look our best."

We had fun these last 6 years. We became more like an extended family because that is how he treated us. Like a family we developed some common traits he would remark upon. Our enthusiasm for receptions, dinners, and "care packages" led him to label us "good eaters." Most staffers had their own nicknames as well, and we called him "Judge," in honor of his previous service on the bench.

Congressman Harris will be remembered by us for his many pet phrases which greeted our work or actions. If we missed some point of a discussion he would employ an imaginary microphone and intone "Earth to (whomever)." A draft letter that was too caught up in jargon would elicit the comment that we needed to "put the hay down where the goats could get it." Loyalty to an ally might be described as "dance with the one that brought you." "Too much sugar for a dime" meant that some legislative proposal was too good to be truly as described and if it wasn't good at all, he might say "that dog won't hunt." Unexpected political consequences of a bill were described as "ploughing up a snake."

All of us on this staff are better for having worked for this man. His example has set a standard for us. The memories we take from this time will last long after we walk out the office door that final time. Serving Claude Harris has been our privilege and our gain. It is a loss to both our State and Nation that he will not be returning to the House.

Thank you, "Judge."

Mr. CALLAHAN. Mr. Speaker, as I mentioned, this has been an unusual year in terms of the large number of Members who have announced plans to retire at the end of the Congress. However, none have been more unfortunate in terms of personal loss than the announcement earlier this year by my friend and colleague from Alabama, Congressman CLAUDE HARRIS.

To know CLAUDE HARRIS is to know what public service is really all about.

He has been unselfish, constantly lending his time and many talents to whatever cause would advance the communities and the people that make up his current seventh Congressional District.

He has been tireless in his work habits, studying the issues, meeting with constituents, going back home and staying in touch with those people who elected him, and bridging a gap even with his political opponents, all to guarantee nothing short of first-class representation.

And he has been dedicated to place principle above politics, always striving to make the right decision, not just the most politically expedient decision.

CLAUDE came to Congress following in the footsteps of some other highly respected lawmakers from the Tuscaloosa area. Both Armistead Selden and Walter Flowers before him set the standard of constituent service and statesmanlike decisions.

However, CLAUDE brought his own style to governing and is one of the finest, most decent men to ever seek elected office. He never let it go to his head that he was a Member of Congress. Instead, CLAUDE returned as often as possible to his beloved Tuscaloosa, whether it was to serve in the National Guard, to go to the local cafe to have coffee with a group of constituents, to attend church with his family, or to meet with a civic club. I know CLAUDE traveled back home a lot, because he and I were often traveling companions as far as Nashville. Then he would get on board a small plane headed to Tuscaloosa while I would catch my flight to Mobile.

While I am personally going to miss CLAUDE HARRIS' friendship, the State of Alabama is going to be an even greater loss.

When CLAUDE was first elected, he represented our State on the Agriculture Committee and the Veterans' Affairs Committee, two very important committees especially to the people of Alabama. Two years ago, he secured a position on the Energy and Commerce Committee, on which I serve, and together we have worked even more closely for the common good of the people of Alabama.

While CLAUDE and I might have been from different parties and of different backgrounds, he being a lawyer and I a businessman, I knew I could always count on him for strong moral support and solid counsel on whatever issue was at hand. He has always been there, not just for me, but for all of Alabama.

At a reception in his honor the other night, CLAUDE HARRIS said with humility, yet pride, that few young boys from Shannon, AL, ever dreamed of being elected to the U.S. Congress, much less made it here. CLAUDE HARRIS has lived the American Dream and we are the better for it.

I salute my good friend from Tuscaloosa, and hope there are many paths he will consider traveling in furthering the cause of promoting and serving the people of Alabama.

Mr. Speaker, I now yield to our colleague from Birmingham, AL [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I rise, with all of my Alabama colleagues, to pay tribute and say goodbye to a true friend, the Honorable CLAUDE HARRIS.

CLAUDE and I have worked side by side to represent the interests of all Alabamians since he was first elected to Congress in 1986. An example of our partnership is the Metal Casting Center at the University of Alabama. This center applies high technology to a very basic Alabama industry. The idea may sound simple, but it is an idea that is helping a basic Alabama industry become competitive, an industry that employs close to 20,000 in our area and over 250,000 nationwide.

To me, this represents the ideals of CLAUDE HARRIS—applying Alabama common sense, which he is tremendously blessed with, to the complex issues we all deal with in Congress to ensure that all Americans have a brighter future.

Retirement was not an easy decision for CLAUDE. He has told me many times that he would have liked to continue to serve the people of Alabama. But, unfortunately for us all, because of partisan efforts in Alabama, CLAUDE HARRIS was forced to retire.

All of us in Congress will miss CLAUDE and his wife, Barbara.

CLAUDE HARRIS has been a good friend to all of us, from the time he first walked into our Chamber, until the time, regrettably, that he leaves. He has become one of my closest friends, as he is a friend to so many on both sides of the aisle.

Mr. Speaker, in a speech announcing his retirement, CLAUDE said: "Being chosen by the people of the Seventh District to represent them in the Congress has been the greatest honor of my life." CLAUDE, the honor has been all ours.

In addition, Mr. Speaker, I rise to pay tribute to an old friend, and the senior Republican member of the Alabama delegation, the Honorable WILLIAM L. DICKINSON.

BILL has served with us in Congress since 1964. He has been an outstanding Representative for the Second District and the State of Alabama.

This native of Opelika, AL has worked hard to help us maintain a strong national defense. In the past 20 years, the three military installations in his district, Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker, have experienced tremendous growth.

His commitment to our defense has earned him numerous awards, including the Peace Through Strength Award from the Army Aviation Association and the Distinguished Service to Soldiers Award for the U.S. Army.

Mr. Speaker, it has been an honor for me to serve and work beside BILL DICKINSON. I wish him well as he returns home to the great State of Alabama. BILL, I can speak for all of my colleagues; we will miss you.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Alabama [Mr. ERDREICH], and I would like to yield now to the newest member of the Alabama delegation from north Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in saluting Congressman CLAUDE HARRIS for three outstanding terms of dedicated service to this institution and the great citizens of the Seventh District of Alabama.

A driving force on the House Committee on Energy and Commerce and on the Committee on Veterans' Affairs, CLAUDE is a remarkable leader who has given Congress his experience and expertise. He is a champion for veterans and has led the fight against infant mortality in Alabama, the Southeast, and the country.

CLAUDE's service has been recognized by constituents and by prominent groups and organizations.

He was honored as Alabama 1990 Congressman of the Year by VOCAL and received the 1990 Service to Agriculture Award from Alabama Farmers Federation.

CLAUDE has received the National Security Leadership Award from the American Security Council Foundation and Watchdog of Treasury Awards for 1988 and 1989.

His impressive list of accomplishments includes the Eagle of Freedom Award from the National Security Council, the Alabama District Attorney's Association commendation for leadership, and the Alabama Forestry Commission and Volunteer Fire Departments Award for support to the enhancement of Alabama's wildfire response capabilities.

I can only echo the remarks of my colleagues when I say that CLAUDE HARRIS is a great man and a great Member of this institution. CLAUDE can be justly proud of his years of excellent service in Congress on behalf of his district and the entire Nation. He has a superb record of leadership in which he can take great pride.

As a freshman Congressman, I have leaned on CLAUDE for advice and strength. He has been a good friend and I will truly miss him.

However, I believe my colleagues will agree when I say that, while CLAUDE HARRIS may be leaving this institution, he has definitely left a mark on Congress and this country.

I proudly commend CLAUDE for his exemplary public service and wish him well as he returns to Alabama to embark on a new journey.

□ 2010

Mr. CALLAHAN. Certainly we all share your sentiments.

At this time I yield such time as he may consume or may want to consume to another Congressman and a great one from the State of Alabama, Mr. BROWDER.

Mr. BROWDER. Mr. Speaker, it is hard to follow the comments that have been made about our colleagues, CLAUDE HARRIS and BILL DICKINSON, as they will not be returning to this body. It is hard to follow those comments and say anything new. That is because CLAUDE HARRIS and BILL DICKINSON are well known to all of us and respected by all of us.

I met CLAUDE HARRIS about 6 years ago when he and I both were campaigning for office in Alabama. Our paths crossed a lot. I learned to respect him during that time, and I learned to respect him more as I served in Alabama and he served in the U.S. Congress.

But I really grew to appreciate CLAUDE HARRIS as a person and as a public servant when I joined him here in the U.S. Congress 3 years ago. CLAUDE and I participated in a lot of meetings, breakfasts, task forces, a lot of assignments together. Because we were both from Alabama, we both shared a lot of the same interests.

CLAUDE is known out here on the floor as the Judge. That is because of his experience as a prosecutor and as a judge in Alabama. We all looked to him for guidance on issues relating to law enforcement and our justice system.

But it went much beyond that. Every time an issue came up on agriculture or the National Guard, volunteer firefighters, a lot of issues, we turned to CLAUDE and we asked him, "CLAUDE, is this one OK? What about this one?"

He has had a tremendous influence on all of us here in the delegation. Not only on our votes, but on ourselves as persons.

The same is true of BILL DICKINSON. I have known BILL DICKINSON for 3 years. I served with him on the House Armed Services Committee.

BILL DICKINSON made tremendous contributions to our national defense, just as my predecessor, the late Congressman, Bill Nichols, did.

BILL DICKINSON not only made contributions to a strong national defense, but BILL DICKINSON has the courage and the insight to question our national defense when those questions need to be asked. I cannot recount for you all the times in our committees when BILL DICKINSON asked the probing question, the question that needed to be asked but that other people did not know enough to ask. He has really served this country and this delegation well.

Both CLAUDE HARRIS and BILL DICKINSON are ideals that the rest of us should follow, and it is going to be hard to—no, it is going to be impossible—for them to be replaced.

All I can say is that for CLAUDE and Barbara and for BILL and Barbara we all salute you, and you will be missed.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman and certainly share that.

Let me tell you, Mr. Speaker, I know it has caught a lot of Members by surprise, but through the grace of Congressman DORNAN from California, we are up a little bit earlier than when I anticipated. When I sent out the "Dear Colleague" to all Members of Congress and told then tonight I wanted to pay tribute to Congressman HARRIS as well as Congressman DICKINSON, I literally got dozens of calls from Representative ANNUNZIO, Congressman KYL, even Congressman DORNAN from California called, who said he wanted to say some kind words about BILL DICKINSON. Also Congressman ORTIZ, and it goes on and on and on.

We have already gotten permission for all of these Members to enter into the RECORD their comments about BILL DICKINSON, but I am sorry that they were probably caught by surprise and are unable to get here.

I am glad, Mr. Speaker, to have the opportunity to sort of lead this conversation tonight, this dialogue that we have been given the opportunity to present. I tonight stand with mixed emotions. BILL DICKINSON is a great friend, and I am going to miss him, but certainly he deserves retirement.

BILL DICKINSON first came to the Congress in 1964 during what they then called the Goldwater sweep, the Goldwater landslide—in south Alabama, anyway. Then he served in this body consistently and continually for 28 years.

BILL is a former veteran of the U.S. Navy and rose from a city court judge to the court of common pleas judge, a juvenile court judge, and a circuit court judge in Alabama. In all he has been in public service for over 40 years.

But I think most importantly, one thing that all of us should remember, is that it was BILL DICKINSON who was the ranking Republican on the Armed Services Committee during all of the military buildup of the Reagan and Bush years. It was BILL DICKINSON whose voice was heard representing the Presidents, representing the Pentagon. He was, I guess, the man most responsible from the Republican point of view for spearheading the effort to do what President Reagan wanted to do, and that was to prove to the world that the way to gain strength and to gain peace was through military might.

With the efforts of BILL DICKINSON and his colleagues on the Armed Services Committee, but certainly with BILL's leadership handling the administration's bill, we did rebuild the military might of the United States of America.

When we talk about the Patriot missiles and we talk about the sophistication of our Air Force and our Navy and we talk about world peace that we have now, when we talk about the end of the cold war and talk about the fact that the Berlin Wall has crumbled, somewhere in history it must reflect that BILL DICKINSON was there and one of the chiefly responsible people in the entire United States of America for making certain that the Pentagon had the adequate direction and resources to make this country the military might it was and is as he leaves us this year.

So I am going to miss him. He was my mentor. He was on the committee of committees, which is the committee here in Congress that determines where a Member is going to sit. I leaned on BILL, and he was instrumental in seeing that I got the best committee assignments that he could possibly get for me, and he was quite successful there.

His wife Barbara and he have visited in my home in Mobile. We have vacationed together. We have shrimped together.

□ 2020

I know a lot of people up here who think shrimp grow on trees, but we actually catch them, and we had an opportunity to go and spend many hours on the beautiful waters of Mobile Bay and that type of fellowship.

Let me tell the Members, I am going to miss him, the United States of America is going to miss him, certainly his district, who has leaned on him to make certain that the military installation that is the No. 1 chief economic factor of his district was preserved, and that Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker always received their fair share of representation.

As he leaves, my wife Karen and I join with our colleagues in wishing him the very best and wishing him a very relaxed vacation that he so richly deserves.

At this time, I yield to another colleague from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in honoring Congressman BILL DICKINSON for 28 years of excellent service to the Second District of Alabama and the Nation.

The senior Congressman, most commonly known as the Dean, represents a southeast district of Alabama, which includes our State capital, Montgomery, and three important military installations—Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker.

A ranking Republican for the last 11 years on the powerful House Armed Services Committee, Congressman DICKINSON has exercised great responsibility in shaping national defense issues. He was even chosen by President Bush to be his personal representative at the Paris International Air Show in 1989. The Reserve Officers Association of the United States presented BILL with their most prestigious award, Minuteman of the Year.

BILL DICKINSON'S impressive list of accomplishments is lengthy. It includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army aviation; getting the Nation's eighth Trident submarine named after Alabama; transforming Gunter Air Force Station in Montgomery into an Air Force base; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; and helping to establish an Air

Force School of Law at Maxwell Air Force Base in Montgomery and the Senior NCO Academy at Gunter. I commend and congratulate BILL on his life of exemplary public service. He has served his district, Alabama, and our Nation well.

Mr. CALLAHAN. Mr. Speaker, I yield to the person, ironically, we have been honoring tonight, the gentleman from Tuscaloosa, CLAUDE HARRIS. He, too, wanted to join with us tonight in saying some words of tribute to Mr. DICKINSON.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding to me.

I am in the unique situation, Mr. Speaker, of coming here and telling people "thank you for the good things you have said."

Also, tonight I want to note the end of an era in my State's political history and the end of an era of service in this House.

In 1964, for the first time since reconstruction, voters in Alabama sent Republicans to Congress. As a matter of fact they chose Republicans in five of the nine House districts we then possessed. BILL DICKINSON, along with Jack Edwards, John Buchanan, Jim Martin, and Glen Andrews were elected to the 89th Congress.

Martin left in 1966 to run for Governor, Andrews was defeated by the late Bill Nichols, but DICKINSON, Edwards, and Buchanan remained and ably represented our State for many years.

Now, with his retirement, BILL DICKINSON becomes the last of that pioneer group to leave the House. I am also told that he is the last serving Republican member of the class of 1964.

BILL leaves a visible legacy in our State and his contributions to our Nation's security through his service on the Armed Services Committee will be felt for years. BILL'S commonsense approach to the business of this House served all Members well during his tenure on the House Administration Committee.

On a more personal note, BILL has been a friend to me in a way that transcended political lines. In our delegation he exemplified a tradition of cooperation in pursuit of the interests of Alabama and our Nation.

We had much in common, having graduated from the same law school, and having both served as circuit judges before coming to the House. Now we have one more thing in common, we are both leaving the House.

BILL, I appreciate having had the opportunity to serve with you and I look forward to many years of comradeship in the future.

Mr. CALLAHAN. Mr. Speaker, I yield to one of our colleagues from North Carolina, the Honorable MARTIN LANCASTER.

Mr. LANCASTER. Mr. Speaker, I thank the gentleman for the opportunity to participate in the special order that the Alabama delegation has requested to honor two of my favorite people and two excellent and fine colleagues in the House.

CLAUDE and Barbara HARRIS came to Congress when Alice and I did, and instantly became good friends. We are going to miss them greatly, because we had opportunities to get to know them not only through service here on the floor of the House and in our committees, but also in other ways as well.

CLAUDE and I served together on the Committee on Agriculture for a while, during which time I learned of his great commitment to the agricultural economy of Alabama and this country, and was able to see that commitment at work every day as he served so ably on that committee.

We also had an opportunity to travel together on several occasions, and though travel for Members of Congress is often derided by political opponents, I saw in CLAUDE and Barbara HARRIS the kind of commitment to representing their country well when they are traveling in other lands that serves our country in such a magnificent way. CLAUDE and Barbara were always hard at work doing what was necessary to make clear to our host their commitment to a better relationship between our countries, always being willing to participate in events that to some might seem strange, but in foreign lands was expected by our host. He was conscientious in foreign travel just as he was in his committee assignments, and always both he and Barbara served as outstanding representatives of their Government.

As a member of the Committee on Armed Services, I had an opportunity to work with CLAUDE from time to time on National Guard issues. As the Members know, CLAUDE is a colonel in the Alabama National Guard, and his commitment to a strong national defense is not only unquestioned but is also unsurpassed. He was always talking with those of us on the committee to make certain that the National Guard as an institution received the support that it needed from Congress.

I also observed about CLAUDE something that I think should be observed more often in all of our colleagues; that is, a real struggle to make certain that on each vote he cast he was representing the views and interests of the people of his district. Oftentimes CLAUDE would be late in voting, and as he would wait and see others vote, it was obvious the great struggle that was going on in his own mind to make certain that the vote he cast was cast seriously and with an eye toward what was best for his constituents and what would best reflect their interests and views on the issues.

I have always had an opportunity as a member of the Committee on Armed Services to serve under the leadership of BILL DICKINSON as the ranking Republican on that committee. He and the gentleman from Wisconsin, LES ASPIN, as chairman of that committee were not only worthy leaders, but also represented, each in their own way, the views of their party on national defense issues, and oftentimes BILL would take positions in the interest of his party that, for members of the committee, would be difficult for us to follow, but we always knew that BILL was committed to doing what was best and that he was seriously considering the ramifications of his position and of his party's position on our national security.

I also had an opportunity with my colleague, the gentleman from North Carolina, CHARLIE ROSE, to travel to BILL's district to have a hearing on peanuts, a program that is important to his district because of the large number of peanut farmers and the many acres of peanuts grown each year in his district.

On that occasion we had an opportunity on the night before the hearing to have dinner with many of BILL's constituents. I came away impressed with the great affection that BILL DICKINSON enjoyed with his constituents, and knew when I came back that here was a man who did in fact enjoy the love and respect of his constituents.

I know that in both of these cases, with CLAUDE and with BILL, that their constituents will greatly miss the fine representation they have had from their Congressmen, but I am sure that in both cases they are going to be glad to have two very fine sons of Alabama back home where they will continue to make great contributions to their communities, to their State, and to their Nation.

□ 2030

Mr. CALLAHAN. I thank the gentleman. I certainly know Congressman HARRIS and Congressman DICKINSON as well appreciate very much those comments.

I would now like to yield to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I thank the gentleman for yielding.

This is a very special time for me, and I appreciate being included in these special orders as we honor two fine gentlemen from Alabama. But I would like to focus my remarks on CLAUDE HARRIS, the judge, and let me tell you why.

I think the folks that we all remember the most in our lifetime are the folks that we meet at certain milestones in our life. CLAUDE HARRIS is one of those for me. When I was elected to the House of Representatives in 1986 and came to Washington, one of the first persons I met was a fellow classmate, CLAUDE HARRIS. From the time

of our orientation here in Washington until the time we were sworn in on the House floor, CLAUDE was a person that I felt that I was going to like, and was going to know better as we served together.

We are classmates, and we will always remember that class of 1986.

One of the things that stands out in my mind about CLAUDE is as we talk about families in America I think CLAUDE and Barbara are such a perfect example of an American family, a true American family. They have worked side by side in everything they have done. He would tell me quite often, "Well, you know, Barbara is at home this evening. She keeps the campaign records, and she's at home making certain that everything is ready for the FEC report." Or "Barbara had to go back to the District since I cannot be there, and she's going to represent me."

I just saw a real, true team in Barbara and CLAUDE HARRIS, a team that I know will continue to work together.

Another way that I have gotten to know CLAUDE that is very special, very special to me through a weekly meeting that we attend in the Congressional Prayer Breakfast. I have stood by CLAUDE, talked with him in those meetings and listened to him, and shared with him, and I know how important those Thursday morning meetings are to him.

I have also had the opportunity of serving on the Committee on Veterans' Affairs with him, and have appreciated his leadership as we talked about issues that affected our National Guard and all of our veterans. He has truly been a person that I could turn to and ask for advice on veterans affairs and on many other issues that face this House of Representatives.

To CLAUDE I would say as I think about the times we have shared, I suppose this week when we joined together in the Prayer Breakfast and we were called on to sing a hymn, a hymn, that many of us know so well, "Blest Be the Ties That Bind," it made me think of the tie that does bind us together as Members of Congress, all of us, but those very special ties that are there between classmates and friends. As we sang that hymn this morning, we sang the first and last verse, and the last verse alludes to parting and separating, and how it is sad that there are times that we must separate. But the last phrase of that last verse of "Blest Be the Ties That Bind" says, "But we shall meet again."

To CLAUDE and to Barbara, we are not going to say goodbye, but we are going to say blessed be that tie that binds, because we truly are going to meet again.

Mr. CALLAHAN. I thank the gentlewoman for those very beautiful words in tribute to our two colleagues.

I yield to our colleague from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I thank our colleague from Alabama for taking out this special order to pay tribute to our two retiring Alabama Members whose colleagueship we treasure so much, BILL DICKINSON, the distinguished ranking Republican on the Armed Services Committee, and CLAUDE HARRIS, who I particularly want to honor tonight as a classmate, someone I have known since my first day in the House. As Mrs. PATTERSON and Mr. LANCASTER had already indicated, those ties that bind those of us who come into this institution together, and who learn the ropes together, and who give one another counsel and support, those are ties that mean a great deal to us.

CLAUDE has been a fine colleague, a supportive colleague, one who we could always call on and whose friendship we valued a great deal. CLAUDE, as has been said by others here tonight, came to this House from a distinguished career as a lawyer, a prosecutor, and a judge. He has put in many years of service with the Alabama Army National Guard. His first committee assignment in the House was the Agriculture Committee, where he displayed considerable expertise, on which all of us drew. He has served for years on the Veterans' Affairs Committee, making certain that we live up to our obligations as a country to those who have served us so well. And more recently he obtained a coveted spot on the Energy and Commerce Committee where he has continued to serve with great distinction.

I have particularly appreciated my association with CLAUDE in our German study group, which is a group of Members who share an interest in Europe and in German affairs. We took two trips together to West Germany at a very opportune time, first in 1989, when we visited Berlin, and then a little over a year later in 1990 when we visited Bonn, Berlin, and Budapest as part of an exchange with our counterparts in the German Bundestag. Those were exciting times. Those were times when the Berlin Wall was coming down, and when German unification was being realized, a wonderful time to be there. And that was an experience that we shared that I am sure neither of us will ever forget, a time when I came to appreciate this particular aspect of CLAUDE's interest and talent, that which has to do with world affairs. And he indeed, as Mr. LANCASTER has said, represented us very well, and working with the German study group was an important part of his service here.

CLAUDE is as hard working a Member as I know. He is not a man who demands the limelight, and he is not a man who seeks headlines. But he is a man who works very, very hard and conscientiously, and who looks out for his constituents, makes certain that their interests are protected. He is a dedicated public servant, a public servant in the full meaning of that term, one who puts the common good ahead of his own interests, and is willing to put in long hours and dedicated service in order that his district and the people of this country might be well served.

We regret very much that he is leaving us, largely due to the vagaries of redistricting in his home State. He is leaving us prematurely, I think many of us feel, but he is leaving us with 6 solid years of service to his credit. He is leaving behind many colleagues who are all better for having known him.

So I am happy to join here tonight in wishing CLAUDE HARRIS and Barbara the very best, and am looking forward to their continued contribution to our public life.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman, and once again want to thank the gentleman from California [Mr. DORNAN] for permitting us this opportunity to go before him tonight.

But before we close, I have two more speakers that I would like to yield a few minutes to, and one of those is the gentleman from California [Mr. DORNAN] who is going to talk about Congressman DICKINSON and Congressman HARRIS.

Mr. DORNAN of California. Thank you, SONNY. First of all, let me make an observation, with some envy. It is a joy to see the entire delegation of Alabama, of both our great parties with such a warm feeling of comraderie and such a special feeling for a retiring Member of the majority party in this House, and a leader in our Republican Party.

□ 2040

I only wish every State in the Union would feel that cohesiveness and unity that binds you Alabamians together.

You know, my dad took my brother and I on a tour through all of the Southern States. It was 1941. We were not in the Second World War yet. My dad was concerned that he might be reactivated even though he was about turning about 50 years of age, 49, and he took my older brother and I, left the little brother behind, and we went all the way through the South.

I can remember swimming in those big public plunges, those gigantic pools everywhere.

My dad said, "You know in World War I," to my brother Don and I, he said "I commanded a unit from South Carolina." He said, "Some of these boys were from the hills and had never worn shoes in their life." He said, "They complained about the shoes, but they never complained about combat or the freezing cold in France in the early spring. They never complained about the wounds and the combat," kind of like Alvin York from Tennessee, a Medal of Honor winner.

My dad said, "You know, as a first-generation Irishman from Newburgh,

NY, and New York City," he said, "I have always kept note when the South is being criticized that there are more Medal of Honor winners, more volunteers," and part of it came from wanting a good job after the War Between the States, which some of you still call the War of Northern Aggression, to find a decent way of life, so we had most of our cavalry units in what was then the wild, wild West with young Southern soldiers, Confederate officers who took the rank of corporal, and led some of the same men they led at Shiloh.

I have never forgotten, and I have found the same thing in my 6 years of active duty and many years in the Reserve and my eight trips to Vietnam as a journalist, that where you had men from the South, African-American descent, a lot of Irishmen down there in the hills of the South, Scotch-Irish, English descent, wherever you went in the South you found people that loved loyalty and tradition, and when I told our good friend, Jack Kemp, on this House floor that I did not think he could win the primary of 1988, he said, "Tell me why, Bob. I am a tougher conservative than the Vice President." I said, "The President will sweep the South because of loyalty. He has been loyal to Ronald Reagan, and they love Ronald Reagan," and a lot of conservative Democrats still call themselves Reagan Democrats. I said, "In addition to loyalty, the South loves tradition, and without a reason to dump the No. 2 man, the chief operating officer under the CEO, they are not going to dump George Bush," and I said, "On March 8 of 1988, you watch him sweep every one but one." And I will not tell you the one I did not think he would take. He took it. Well, I will tell you: It was AL GORE'S State. He took them all. It was on the Republican side.

I want to add about the special order for CLAUDE and BILL DICKINSON, my own work with BILL DICKINSON on the Committee on Armed Services, they called them these journals of record, these books, the almanacs and all the politicians, I have noticed that you can be guilty of heinous perversion and be described as a brainiac, as a sitting Member, but if you are a Republican leader on something like the Committee on Armed Services, and I was talking to Barbara Dickinson, they will put in something as incorrect and as cheap a shot as, "Not effectual, an ineffectual and nonsubstantial Member," or something like that.

What I heard today here confirms what I have always known about BILL DICKINSON. This man is a patriot, and for 28 years, following the Goldwater sweep, I like that term, Arizona and five good Southern States, that he has stood tall for the defenses of our country and for the standards, the quality of life, as Cheney has come to call it, and before we had that little simple expression, it was just how the men and women are making out in our armed services, and BILL always defended that.

He went through the terrible period after the Vietnam war where we began to create the same mistake we did after World War I and World War II, Korea, Vietnam, and here we were going to shut down the military as though Aristotle, or Plato, was an idiot when he said, "Only the dead have seen the end of war."

I am afraid that those ringing words of Plato, although I had a liberal Member on the other side say that Plato was a cynic, and, well, I am afraid he is correct. There may be a time again, maybe in the not too distant future, when a handful, hopefully only a handful, or maybe more than a handful of young men and women may have to go in harm's way, and BILL DICKINSON served during those years of a hollow army, when ships could not sail for want of spare parts, when planes could not fly, and the pilots' lives were in jeopardy because they were not getting enough flying time in the air. You get down to 8- to 10-hours a month in a supersonic fighter, you are saying your prayers every takeoff roll.

These years have been tough years. He enjoyed the fruits of President Reagan's 2 years of 1981 and 1982, but after that he has fought and fought and fought and fought in that conference to come up with a pretty darn good defense authorization bill. It is the first one I voted for in 5 years. This time I was able to vote for it, because BILL DICKINSON fought for the B-2, the B-1, F-16's, F-18's, for what is left of strategic defense, to hold off that errant, crazed missile by some Qadhafi or Saddam Hussein.

It has just been a real joy for me to get to know Barbara and serve with BILL DICKINSON, and see the quality on the floor of the Democrats from Alabama like CLAUDE, and I am sure glad, SONNY, that you took out this special order, and I am glad you are not going away.

Mr. CALLAHAN. Well, I am glad I am not going either.

Let me thank the gentleman very much for those kind words.

Mr. Speaker, I am going to yield in just 1 second to the gentleman from Pennsylvania, but just to close out some comments about Congressman DICKINSON and Congressman HARRIS, let me tell you, America is a better place because of both of them. As I mentioned earlier on in this conversation, the fact that BILL DICKINSON was the man who stood in this very spot and fought for the very programs that made this country and this world a better and safer place and made the United States of America the military might it is, and because of the fact that Barbara permitted it, and Barbara supported him, the world is a better place.

And when Congressman HARRIS' wife, and he is also married to a Barbara, the fact that Congressman HARRIS was here and that Congressman HARRIS, especially in the area of judicial matters, was so respected in this body, and both of these men are leaving this body not because of any check scandal.

Neither of them had the first check that was ever questioned. Neither of them have ever been questioned about integrity or honesty. They are two great individuals who have chosen to retire on their own from the Congress, and the people of the Untied States and this body are the ones that are going to miss them.

Mr. Speaker, I yield to my good friend and colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, let me begin by adding my thanks to him for taking this special order tonight and also my thanks as a Member of this body to both CLAUDE HARRIS and BILL DICKINSON for their able service here.

I think the tributes to the colleagues here this evening are some measure of the kind of influence that they exerted in this body while they were here.

I appreciate the gentleman for yielding, because I missed by about 20 seconds, I am told, the tributes to my Pennsylvania colleagues who are retiring, and I would like to take a couple of minutes at the gentleman's indulgence to make a couple of comments about my Pennsylvania colleagues who are retiring this year.

GUS YATRON, LARRY COUGHLIN, JOE KOLTER, JOE GAYDOS, and DICK SCHULZE are all leaving this body this year. I would be remiss not to spend a few minutes talking some about their service here.

Mr. Speaker, I am going to remember GUS YATRON as being the embodiment of a good-guy Congressman. I served in a county where we shared a jurisdiction, and everywhere I went, people who did not necessarily share GUS' political philosophy would say, "He is a good guy, and he serves us well." I really found that.

I worked with him, and he was somebody that I always found to be a real friend, somebody that you talked to, somebody that you shared things with. He will be greatly missed here by this Member, because you do not find somebody who is truly a good guy the way GUS YATRON is very often.

I am going to remember LARRY COUGHLIN as being somebody who provided quiet and effective leadership in this body. LARRY is not one who often came to debate the issues. Obviously he did when he had a bill on the floor, but he was one who, behind the scenes, was very determined to make certain the right things were done, and he was willing to stand up and to battle in those areas where he believed change

was needed or where he believed that the forces of right needed a champion.

Mr. Speaker, he was extremely effective in that regard in this body. He has always been someone looked up to by other Members of Congress, because they knew they could count on LARRY for good advice, good counsel.

I am going to remember JOE KOLTER as truly a guy of his district and for his district. JOE KOLTER is one of these people who believed, first, that his obligation was to the folks back home, and he came here, and day in and day out represented their interests.

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He did not necessarily talk a great deal on the big national issues. What he did was he felt out his district and he came here and he cast their vote in the Congress. You know, those kind of folks are sometimes few and far between in Congress, too, because they are people who are representatives in the truest sense of the word, in a kind of Burkean tradition of people who are truly agents of their district in Washington. That is JOE KOLTER.

I am going to remember JOE GAYDOS as somebody who was the very able leader of a very diverse delegation. Pennsylvania is a diverse State. It has great political diversity, cultural diversity, and has great political diversity. Our delegation was very much out of that tradition. We are a very diverse lot.

Yet there is a need from time to time to pull us together to do what is right for the Commonwealth. JOE GAYDOS was the dean of our delegation when the majority of members were Democrats. He shared responsibilities with JOE MCDADE during that time; when JOE became dean of the delegation, he shared those responsibilities with JOE GAYDOS.

The two of them helped weld us together.

JOE GAYDOS was very effective at that. He showed leadership in places like the Committee on Education and Labor, where he served, and, in a number of other places where he really put his mark upon legislation.

I am going to remember him as somebody who welded this diverse lot and really made Pennsylvania an effective presence in the U.S. Congress. I am going to remember DICK SCHULZE as a friend and as a neighbor and ultimately a fighter for many different causes in which he deeply believed.

DICK is somebody with whom I have shared a friendship because we, too, shared a county together that we represented. In that neighboring county we had a lot of opportunities to work together on behalf of issues that we both shared; farm preservation issues and a lot of things like that.

What I learned from DICK is what sometimes you have to dig your heels in and you have to fight for the things that you believe are important. DICK was very good at that. Sometimes he took on the big giants of the Nation, sometimes he took on the big institutions because what he was doing was something he thought was right.

I think that kind of fighting spirit is also something that is badly needed in Congress and very much exemplified by DICK SCHULZE.

I am sorry that the way the reapportionment in our State worked out basically deprived DICK of a district. I am going to end up with a large piece of the district that he had. I am determined to do my best to try to represent well the people that he served with such dedication. I am sorry he will not be with us, in large part because of that circumstance, but he is somebody who served the Commonwealth of Pennsylvania and the Nation very, very well.

I am going to, as I say, remember all these folks as people who made their mark in this body. I appreciate the gentleman from Alabama giving me the time to make these few remarks and add to the tribute of my other Pennsylvania colleagues earlier this evening.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman. That is going to conclude our remarks. But once again I cannot help but say to the people of south Alabama, especially the Tuscaloosa area, Dothan, Montgomery area, that I think something that would indicate some degree of appreciation for what these two gentlemen from Alabama have done, would be if you would just drop a note in the mail or a postcard to these retiring Members and say, "Thanks for a job well done."

Mr. MICHEL. Mr. Speaker, once again we find ourselves bidding farewell to a distinguished colleague and good friend. This time it is BILL DICKINSON of Alabama whose 12-year leadership as ranking Republican on the House Armed Services Committee helped to strengthen our National's security and bring about an end to the cold war.

During the 1980's, BILL played a major role in one of the greatest continuing national debates this country has ever seen, the debate over national security. From strategic weapons to battlefield readiness, from the cold war to the very hot war in the Persian Gulf, the House was split on major issues. Time after time, in committee and on the floor, BILL DICKINSON led the fight for a strong national defense, for Armed Forces whose morale was high, and for the proposition that in a tough world, the United States must be prepared to use force if necessary to protect our security, our values, and our interest.

As BILL retires, I am glad to join so many of our colleagues, on both sides of the aisle is saying: Well done, BILL. We will miss your leadership and your example.

Mr. SPENCE. Mr. Speaker, for 28 years as a Member of this body, BILL DICKINSON has been a mighty force for everything good and decent about our wonderful country. Now that he has decided to pass the torch, it hardly seems possible that a long and distinguished career is drawing to a close.

Over the years I had the privilege of working closely with BILL on efforts to promote a strong and capable national defense. BILL was one of the few who knew long before the demise of the former Soviet Union and the fall of the Berlin Wall, that strength and a commitment to national security are imperative toward the construction of any true and lasting peace. And it is in no small part due to this conviction that our Nation and its citizens no longer need to live with the fear instilled by the cold war.

In retrospect, our national security needs have changed greatly over the last few decades. We have participated in global conflicts, liberated countries suffering under repressive regimes, and have built truly remarkable and advanced defense systems. BILL was always aware, however, that regardless of the weapons, your troops are only as good as the individual soldier, and has championed legislative efforts on behalf of the men and women in our Armed Forces.

As ranking member, BILL DICKINSON has been an active leader in spearheading the policies which have resulted in our numerous military successes. He has witnessed the metamorphosis of our bipolar world to a global and vastly more complex world order. Throughout that time, he has served this institution with comity, dedication, and integrity.

Always a champion for the military, BILL guided us through some of the most contentious defense bills ever. His rock-solid leadership has earned him our admiration and our respect.

Although BILL upon his retirement will face challenges of a different kind, I wish him and his wife Barbara continued success, and my heartfelt friendship in the years to come. BILL, we are going to miss you around here.

Mr. SENSENBRENNER. Mr. Speaker, once again, we rise in this Chamber to pay tribute to another retiring Member of this great body. Congressman WILLIAM DICKINSON is retiring after 28 years of faithful service to the Second District of Alabama.

BILL DICKINSON'S dedication is reflected in his tiresome work on the Armed Services Committee, on which he has spent the last 12 years as ranking Republican. His expertise and tenacity to assure the United Sates maintains a strong national defense have been instrumental in shaping policy.

Clearly, BILL'S constituents are pleased with the work he has done by reelecting him as their representative since 1964. This constituency has been nationally assertive on civil rights and national defense issues and BILL DICKINSON has carried their concerns to Washington. He leaves behind a void that will be difficult to fill.

I take this time to extend my appreciation for his hard work and wish he and his wife, Barbara, all the best for what lies ahead.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the many significant accomplishments of our esteemed colleague for 28 years, and a good friend. The gentleman from Alabama [Mr. DICKINSON].

As the ranking republican on the House Armed Services Committee for the last 12 years, BILL DICKINSON has used his expertise on military matters to greatly enhance the security of this Nation.

BILL DICKINSON'S consistent, wise advice and good counsel in matters concerning our national defense have always been very much respected and appreciated by me and I know by many of our colleagues. I have enjoyed the opportunity to have worked with BILL on several different issues.

BILL DICKINSON'S 10-year focus and dedication on the resolution of the cold war has contributed to the changed world we are experiencing today. His hard work has definitely not gone without notice.

His equal dedication to the people of his district and his State have also been a hallmark of his years in Congress, and deserve our recognition as well.

Mr. Speaker, I want to take this opportunity to thank our colleague Mr. CALLAHAN from Alabama for his leadership in initiating this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Alabama [Mr. DICKINSON], and join them also in wishing him all the best.

Mr. ROE. Mr. Speaker, I am highly pleased to join with my colleagues today to pay high tribute to BILL DICKINSON, the retiring dean of the Alabama congressional delegation and one of the great leaders in Congress during the past quarter century.

I also wish to express thanks to Representative SONNY CALLAHAN for arranging for this special order so we could honor BILL DICKINSON before the end of the 102d Congress.

BILL has been a great leader in Congress for many years because of his outstanding personal qualities of integrity, decency, and common sense. Those qualities, combined with his great energy and vast knowledge and expertise on military issues have made him a truly effective and valuable Member of Congress for the people of Alabama and the entire Nation.

He has been one of the chief architects of our Nation's defense policies while, at the same time, working to preserve and promote the military bases in his district as first-class facilities for the entire Nation.

BILL's work clearly gained the confidence of the President who appointed him as his personal representative to the 1989 Paris International Air Show and the Asian Aerospace '92 exhibition in Singapore.

BILL has received numerous awards from outside organizations for his outstanding congressional service. He has been the recipient of the Statesman Award from the American Conservative Union, the Congressional Appreciation Award from the Army Aviation Association of America, and the Distinguished Service to Soldiers Award from the Association of the U.S. Army.

He has also received the Peace through Strength Award from the American Security Council, the Defense Industry Medal from the American Defense Preparedness Association, the Nathan Hale Award from the Reserve Officers Association of Alabama, and the Minuteman of the Year Award from the Reserve Officers Association of the United States.

BILL had a distinguished legal career in Alabama before beginning his 28 years in Congress. After receiving his law degree from the University of Alabama, he practiced law in his hometown of Opelika. He also served as a judge on the Opelika city court, on the court of common pleas, on the Lee County juvenile court, and on the Alabama fifth judicial circuit. He was also a vice president of Southern Railway.

BILL and I have served together in this House for more than 20 years. His departure from Congress will be a loss for the State of Alabama and the Nation.

I am proud to salute BILL DICKINSON for his outstanding 28 years in Congress and I wish BILL, his wife Barbara, and their 4 children all the best in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BILL DICKINSON of the Second District of Alabama for his 28 years of outstanding service in the House of Representatives.

Mr. DICKINSON and I both arrived here in Washington at the start of the 89th Congress, and since then I have had the privilege of serving with him on the House Administration Committee, where he is currently the longest serving Republican on that panel. I have witnessed firsthand his diligent and astute work and have benefited from his legislative input over the years.

On the Armed Services Committee, Mr. DICKINSON has risen to the position of ranking minority member, and has worked hard to provide economic support for the several military installations in his district. The American Security Council, the Army Aviation Association, and several other related organizations have recognized the work he has done for the defense of our country, and awarded him numerous citations, medals, and awards.

As he retires from a long and fruitful career in Congress, I wish BILL DICKINSON the best of luck and happiness for the future.

Mr. QUILLEN. Mr. Speaker, I am pleased to be able to rise with my colleagues this evening to wish a fond farewell to my good friend from Alabama, BILL DICKINSON.

BILL has served with distinction as a Member of the House since the 89th Congress, following a distinguished career as an attorney, a judge, and a railroad executive. In addition, since 1981 he has been the ranking Republican member of the House Armed Services Committee, one of the most important committee assignments in Congress, where he has served with distinction.

The Armed Services Committee has long had a reputation as one of the most bipartisan in Congress, and BILL DICKINSON exemplifies this spirit. BILL has always been one of the most honest and fair-minded Members of this body. His pivotal leadership on defense issues during the Reagan administration helped America win the cold war and has kept our Armed Forces strong enough to deter aggression in the changing times that have followed. However, BILL has never been one to hog the spotlight, so most Americans will never know what a great debt they all owe to BILL DICKINSON.

Mr. Speaker, BILL DICKINSON's sound advice and ready assistance have always been there for other Members of this House. As he leaves us, I wish to take one last opportunity to bid him farewell and to thank him for a job well done. BILL, we will all miss you and remember you fondly.

Mr. ORTIZ. Mr. Speaker, I join my colleague from Alabama [Mr. CALLAHAN], to salute, and to thank, the very distinguished gentleman from Alabama, BILL DICKINSON. I thank the gentleman for arranging this special order so we can all thank the ranking minority member of the House Armed Services Committee, a committee on which we both serve.

Politics can be a bitterly partisan game, if one would believe all stories told about us. But partisan differences aside, I can say flat out that BILL DICKINSON is my friend, and an outstanding statesman. Over the years we have both watched partisans on our committee fight over pieces of legislation—but when it came to matters of national security, BILL and I joined forces to ensure that the United States remained prepared militarily.

If Members of Congress were left to our own devices, we might not have the opportunity to forge a friendship like the one BILL DICKINSON and I have made. Many times, Members are criticized for time spent examining our bases and our national security assets around the world. This is a necessary duty of those of us who are charged with maintaining the level of security for our Nation. This duty is accompanied by an almost necessary bonding between the members of the committee in another land. BILL DICKINSON is a man with whom I have spent much time, and shared many laughs during this tour of duty for House Armed Services Committee during our tenure on the committee.

When House Armed Services Committee members came down to inspect the Naval Air Station at Ingleside, TX, adjacent to my congressional district, the distinguished gentleman from Alabama [Mr. DICKINSON] joined us, amidst his other duties. His advise, his counsel, and his support were invaluable in the legislative maneuvering of securing Naval Air Station Ingleside. Thank you, BILL.

We will all miss your wisdom, your humor, and the political savvy you brought to all of our deliberations and our duties. I will not say goodbye to you—I will merely say, godspeed, and invite you to visit when you are back in town. Muchas gracias, mi queido amigo!

Mr. MAVROULES. Mr. Speaker, I rise today to join my colleagues in saluting the outstanding career of my good friend BILL DICKINSON. Since 1964 BILL has served in the House with great distinction. For the past 12 years, I have had the honor to work with BILL on the House Committee on Armed Services. Within Armed Services, BILL has worked closely with his colleagues on both sides of the aisle to mold our Armed Forces into the world's best and brightest combat force. The recent victory in the Persian Gulf indicates the level of success that we have achieved since the sordid days of hollow force, Pentagon waste and abuse, and DOD supplier fraud. As the ranking minority member of the committee during the past 12 years, BILL has played a key role in the accomplishments of the Armed Services Committee.

But I also want to point out that BILL DICKINSON's success goes beyond his official duties. BILL has been a true friend to myself and numerous colleagues. The friendships that he has forged go beyond party lines—a difficult achievement in light of the partisan environment of Capitol Hill. With BILL's retirement, this

House is losing one of its brightest minds and hardest workers.

Mr. CARR. Mr. Speaker, I rise today to pay special tribute to CLAUDE HARRIS, the Congressman from Alabama's Seventh District. When this Congress closes, we will be losing one of the most honorable and caring legislators to grace these halls. While CLAUDE is leaving the House in person, his spirit, one of absolute integrity and honesty, will remain.

CLAUDE worked in Alabama's sixth circuit court for 8 years, serving as presiding circuit judge for 3 years. While there, he helped implement a complete revision of Alabama's legal and judicial system. CLAUDE brought that same earnest dedication to fair play with him to the House. He has worked tirelessly on behalf of our Nation's veterans and has helped to bring the issue of infant mortality into the spotlight.

CLAUDE has been a friend of mine for several years and through our contact, I have seen firsthand the actions of a man devoted to helping others. In a time when personal success is too often built upon the misfortunes of others, CLAUDE has constructed a career out of caring. His personal involvement and outstanding dedication have helped many, many people over the years. He will be sorely missed, but CLAUDE should know that his actions will serve as a model to us all.

Mr. BENNETT. Mr. Speaker, I do not remember a Member of Congress coming here with more achievement in a few terms than CLAUDE HARRIS. Though he has not been with us for that many years he served in a leadership capacity which speaks eloquently for him and also for his constituents who sent him here. He has taken a strong stand for our Nation's defense, its economic opportunities, and for humanitarian causes which have been passed by Congress with his effective help.

CLAUDE HARRIS, in 6 short years in Congress, has established a record of which he can well be proud and all of us wish him every happiness in his new endeavors. Our good wishes extend not only to him but to his fine family whose friendship we have so well enjoyed.

Mr. STENHOLM. Mr. Speaker, I wish to join my colleagues in paying tribute to Judge CLAUDE HARRIS, the distinguished Member from the Seventh District of Alabama, upon his departure from this body. Since he first came to the House of Representatives in 1987, Congressman HARRIS has truly set himself apart. His voting record reflects the character of a man devoted to those he serves and it has been a pleasure to work with him.

Because of his legal expertise, I have often turned to him for his thoughts on legislation relating to crime and other important issues. His assistance with health care and budget legislation has been particularly invaluable.

The people of Alabama were fortunate to have had CLAUDE represent them for the last several years. I join my colleagues in wishing him and his family the very best for the future. He is a good friend and he will be missed.

Mr. MAVROULES. Mr. Speaker, I rise today to salute the distinguished career of CLAUDE HARRIS. His service in the House caps a career that has been dedicated to serving the people of Alabama.

As a member of the Veterans' Affairs Committee, CLAUDE has been an outstanding supporter of veterans rights, providing vital leadership to the House on this important issue. This House will surely be losing one of its tireless and most effective workers with CLAUDE's retirement.

Mr. CLEMENT. Mr. Speaker, it is an honor to join my colleagues in wishing CLAUDE HARRIS our very best on his retirement from the House of Representatives.

I know the decision to retire was not an easy one for CLAUDE. He rightly took pride in the service he rendered the citizens of Alabama's Seventh Congressional District. He was a conscientious legislator and has many accomplishments to his credit. His intellect and diligence will be sorely missed here in the House.

More importantly, CLAUDE has been a friend to me and many others in this institution. He is well known for his personal gestures, whether it is just saying hello, offering advice, or listening to one's concerns.

I know CLAUDE will do well in his next undertaking. Whether he returns to Alabama or stays here in Washington, CLAUDE will continue to serve his fellow citizens. And I look forward to hearing news about his work, if not seeing him on what I hope will be his frequent visits to the Capitol.

My best to CLAUDE and his wife, Barbara. And I also want to commend CLAUDE on his fine and friendly staff whom I had the pleasure to come to know.

Mr. MONTGOMERY. Mr. Speaker, I want to thank our colleague, TOM BEVILL, for taking this time to honor the gentleman from Alabama, CLAUDE HARRIS. I met CLAUDE and his wife Barbara in Livingston, AL, when he was running for Congress for the first time. We became close friends and have remained close over the years we have served together.

CLAUDE fit right into the routine here in Washington very quickly. He learned the system and became involved, especially on veterans issues. He joined the Veterans' Affairs Committee and has always had a strong commitment to helping the Nation's veterans. You could always count on CLAUDE to come to all of our committee meetings on time and to contribute greatly to the shaping of legislation to benefit veterans.

He sponsored and helped pass legislation to extend national cemetery burial eligibility for certain National Guard and Reserve personnel and he also was instrumental in crafting the bill to provide eligibility for veterans housing programs for members of the National Guard and Reserve.

As a former judge and a colonel in the National Guard, CLAUDE has helped bring a commonsense approach to the discussion of bills relating to judicial matters, the National Guard and Reserve, and veterans issues.

He has made a great contribution in the short time he has served in the House. We all will miss CLAUDE HARRIS but we wish him and his family all the best in his future endeavors.

Mr. DICKINSON. Mr. Speaker, when RICHARD SHELBY decided to leave us in the House and move over to the other body, Judge CLAUDE HARRIS decided to take his seat after spending some 21 years in the judicial branch. CLAUDE spent those 20-odd years as an assistant district attorney and State circuit judge in the town where I lived as an undergraduate and law student at the University of Alabama. CLAUDE has also served his country in the Alabama Army National Guard as lieutenant colonel and has been an active member since 1967.

It has been a pleasure to work with CLAUDE HARRIS. He is a sincere and energetic legislator who has pursued a wide legislative agenda with thoughtfulness. From health issues to energy policy, his hard work and leadership have been low key but effective. Whatever avenue he decides to follow, I wish CLAUDE and his family all the best, and continued success.

Mr. HUTTO. Mr. Speaker, I am grateful for the opportunity to participate in this Special Order for our departing colleague, Congressman BILL DICKINSON, who will be retiring from the Congress at the end of this session.

Congressman DICKINSON and I have adjoining districts. The northern boundaries of my northwest Florida district abuts with his south Alabama borders. As a matter of fact, I was born and raised in the district that BILL represents and many of my relatives are still there around Ozark, AL. I know that BILL DICKINSON, who has served in the House since 1964, is much appreciated for his service to the people of Alabama and particularly to his constituents in south Alabama where Fort Rucker is located. This is territory that is very familiar to me since I sold papers at Fort Rucker when I was in high school and later worked at the PX there.

Ironically, it was a matter relating to Fort Rucker that caused me to become better acquainted with BILL. In 1979, BILL was seeking to add Navy undergraduate helicopter pilot training to Fort Rucker, AL. This was a problem for me since the helicopter program would have been moved from my District to his. Although this was quite a battle, it was friendly competition between the two of us. Later, when I was able to get on the Armed Services committee, BILL and I worked together for many years in providing a strong defense for our Nation. He, as the ranking minority member of the committee, is well recognized as a leader on defense matters and I appreciate his dedicated service to our Nation.

BILL DICKINSON, besides being a very knowledgeable person on the issues, is a person with a great sense of humor who relates well to others. We will greatly miss him on the Armed Services Committee. As he leaves the Congress I want to wish him and his family God's richest blessings in his retirement.

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to CLAUDE HARRIS, one of our many colleagues who is retiring from the Congress at the end of this session. Although CLAUDE has been with us for a relatively short time of 6 years, I am pleased that I have had the opportunity to know and work with CLAUDE HARRIS during this period. CLAUDE has been very active in our conservative Democratic forum on many issues that affect our Nation. Likewise, he has done good work on the committees on which he has served, including the Veterans' Affairs Committee for a number of years and, more recently, on the Committee on Energy and Commerce. CLAUDE is very sensitive to the needs of our Nation and to the people of the Seventh Congressional District in Alabama.

Congressman CLAUDE HARRIS was a distinguished attorney and, prior to coming to the

Congress, was an outstanding judge in Alabama. He has a long record of distinguished public service. CLAUDE HARRIS has been active in his attendance at the weekly prayer breakfast here in the House, and his dedication to God and country is evident to his colleagues as well as his constituents back home.

CLAUDE has been diligent in working to serve people and I am sure that he will continue to pursue public service in some way when he concludes his service here in the House at the end of the 102d Congress. CLAUDE HARRIS will be greatly missed by all of us here in the House. I want to take this opportunity to wish him, his wife, Barbara, and their family much happiness and God's richest blessings as they return to Alabama.

Mr. PANETTA. Mr. Speaker, I would like to pay tribute today to my esteemed colleague and friend, CLAUDE HARRIS. It has been a pleasure to work with CLAUDE over the past 6 years. The people of Alabama's Seventh District can be proud of the sound judgment and personal integrity CLAUDE exhibited in his service in the House of Representatives. His distinguished record of public service, starting as a prosecutor for the Alabama district attorney, has been characterized by CLAUDE's selflessness, generosity, and personal dedication to the common weal.

CLAUDE's work on the Committee on Energy and Commerce and the Committee on Veterans' Affairs in particular contributed to the resolution of several critical issues affecting veterans, health care for newborn infants, and other groups. In every discussion, every venue, his judicial temperament and good humor leavened the politics of the day in his characteristically constructive way. He will be missed by his colleagues. He is a testament to the good will of the people of Alabama, whom we can thank for electing him to join us. Once again, it has been a true pleasure and privilege to work with CLAUDE, and I wish him and his family all the best in all their future endeavors.

Mr. WOLF. Mr. Speaker, I rise today to recognize the fine service of one of our colleagues, Representative WILLIAM DICKINSON, who is leaving the House following the conclusion of the second session of the 102d Congress.

For almost three decades, BILL has been a hard-working and devoted representative for his constituents in the southeastern part of Alabama. BILL came to Congress in 1964 following a career as a lawyer and judge, and has earned the well-deserved reputation among his colleagues as a superb legislator concerned about his constituents and our Nation.

As the ranking Republican on the House Armed Services Committee, BILL was instrumental in the implementation of Reagan-Bush defense policies which helped win the cold war and bring freedom and democracy to millions around the world. He did this while maintaining a strong sense of fiscal responsibility and understanding the need to build up our Nation's defense and military while at the same time avoiding expensive and wasteful pet and porkbarrel projects. His leadership and wisdom will be sorely missed.

I know I join many of my colleagues as I thank BILL for all his dedication and service over the last 28 years and wish him all the best as he begins his retirement.

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, and my dear friend, CLAUDE HARRIS.

First elected to Congress in 1987, CLAUDE has provided very able service to the people of Alabama's Seventh Congressional District. It has been a pleasure working with CLAUDE on the Energy and Commerce Committee, and he has also provided very diligent service to our Nation's veterans on the Veterans' Affairs Committee.

CLAUDE attended college at the University of Alabama, and later received his law degree from the University of Alabama School of Law. He entered service with the Alabama National Guard in 1967, rising from the rank of private to colonel, and continues to serve today with the Judge Advocate General Corps.

From 1965 to 1976, CLAUDE was a prosecutor with the district attorney's office in Tuscaloosa, and later became a circuit judge, serving from 1977 to 1985. In this capacity, he worked to implement the new Judicial Article of the Alabama Constitution, the new Criminal Code, and the Revised Alabama Rules of Civil Procedure, which, taken together, represented a complete modernization of Alabama's judicial and legal system.

Despite an active public service career, CLAUDE has made time for community service as well. He is a member and past president of the Tuscaloosa Exchange Club; a volunteer with the Tuscaloosa Spouse Abuse Network; a member of the American Heart Association; active in local efforts to assist the homeless in Tuscaloosa; a Sunday school teacher at the Forest Lake Baptist Church; the director of the Tuscaloosa division of the American Red Cross; an Advisory Board Member, Salvation Army; and served as the board chairman, West Alabama Easter Seal Rehabilitation Center, from 1985 to 1986.

CLAUDE has also been honored for his work in Congress by VOCAL, the Alabama Farmers Federation, the American Security Council, the National Security Council, the National Taxpayers Union, the Alabama District Attorney's Association, and the Alabama Association of Conservation Districts.

CLAUDE will be departing at the end of the 102d Congress, but he will leave behind a fine legacy of achievement from his service in the House of Representatives. He has honored this institution by his work, and I want to extend my very best wishes to him, his wife, Barbara, and their two sons.

Mrs. MORELLA. Mr. Speaker, I wish to pay tribute to Congressman CLAUDE HARRIS, of Alabama's Seventh District. He has been a conscientious Congressman and colleague who has worked on many issues of national importance. I regret the American people will no longer have the benefit of his leadership.

Arriving in Congress after having been a judge, Congressman HARRIS became a member of the Veterans' Affairs and Energy and Commerce Committees. He has been a strong supporter of our veterans and has worked to bring attention to the high infant mortality rate. He supported the 1990 Civil Rights Act and worked to pass the family and medical leave bill.

As a colleague and legislator, Congressman HARRIS will be missed. He has exercised reason and moderation and represented his district well. He and I were elected to the 100th Congress and shared orientation experiences. Our friendship developed—built on respect, a sense of humor, and perspective. I will miss my good friend, CLAUDE HARRIS, and I offer him my best wishes for success with his future plans.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BILL DICKINSON who will be retiring from the Congress at the end of the year. BILL DICKINSON has served this Nation with distinction as a Member of this body for 28 years.

Through his position as ranking Republican of the Committee on Armed Services, BILL DICKINSON has played a key role in making our Nation's Armed Forces the best in the world. BILL DICKINSON's leadership in this area showed real results in the Gulf war. Our fighting men and women were able to defeat a large, well-equipped, battle-hardened Iraqi Army because of excellent training and superior technology. Our Armed Force's stunning success is a testament to BILL DICKINSON's tireless leadership of the Armed Services Committee throughout the years.

And though the Congress tends to get little credit for successes such as Operations Desert Shield and Desert Storm, we who participate in the legislative process know of BILL DICKINSON's contributions. When the history books are written on the Gulf war victory, many will point to the military buildup of the 1980's as one reason for the stunning victory. It is my hope that the historians will also take note of the man who led those efforts here in the House, the gentleman from Alabama, BILL DICKINSON.

My wife, Nancy, joins me in extending our best wishes to BILL DICKINSON and his family. We wish him the best of luck in all of his future endeavors.

Mr. JENKINS. Mr. Speaker, I would like to join the members of the Alabama Delegation and the others who have come to the floor to lament the retirement of and to praise our colleague, CLAUDE HARRIS.

As the 102d Congress draws to a close and CLAUDE and I prepare to leave our service here, he after three terms and I after eight terms, I did not want to miss the opportunity to tell him publicly how much I have enjoyed our association, both personally and professionally. People of the stature of CLAUDE HARRIS command respect, no matter where they choose to serve. And he certainly has commanded respect here from me and other Members of this House.

He came to us from the judicial branch of government where he served as an assistant district attorney and a circuit judge. For many, crossing to the legislative branch would have been difficult, and adjusting would have taken too long to be effective. But the judge showed us the exception rather than the rule.

CLAUDE HARRIS is a unique legislator, one of a kind. He is effective, first of all, because of his honesty and, second, because he is persistent. Third, he is a continuous advocate for the people of the Seventh District of Alabama. His reason for being here is to represent his constituents.

Our country will be well served if those who follow in this body are of the caliber of CLAUDE HARRIS and choose to follow in his footsteps.

TRIBUTE TO NEW JERSEY'S RETIRING MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HUGHES] is recognized for 60 minutes.

Mr. HUGHES. Mr. Speaker, let me first thank our colleague, the gentleman from California [Mr. DORNAN], for deferring to me. It was kind and generous of him to do that. I appreciate that very much.

Mr. Speaker, tonight I rise to pay tribute to four of New Jersey's finest public servants, four men who have served our country, their native State, and their congressional districts with great honor and distinction over the years that they have served in Congress. I am talking about Congressmen BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI.

Congressman BOB ROE is one of New Jersey's true giants, a man who has served this House and the people of the Eighth District of New Jersey with great dignity for 23 years.

BOB ROE is truly a classic. His hard work and dedication are legendary. BOB's reputation as a hard-working, fair, and effective Representative is well known and well deserved. It was under his guidance that we saw the passage of the Intermodal Surface Transportation Efficiency Act, our most comprehensive and innovative infrastructure legislation.

Indeed as chairman of the Science, Space and Technology Committee and during this term as chairman of the Public Works and Transportation Committee, BOB ROE has crafted far-reaching and landmark legislation that will leave a lasting imprint on America's landscape and people.

BOB's career as a public servant spans several decades. Prior to being elected to Congress, he served as the New Jersey Commissioner of Conservation and Economic Development, which we now know as the Department of Environmental Protection. He also served as director of the Board of Chosen Freeholders of Passaic County, and as mayor of Wayne, NJ.

While I am sure that the people of the Eighth District greatly appreciate BOB and all of his efforts, we in southern New Jersey owe him a special debt of gratitude as well. During his time in office, BOB and I joined forces several times to work for the betterment of southern New Jersey. One of our most important battles and greatest successes was ending the decades old discrimination against south Jersey when it came to the allotment of Federal highway funds. BOB was also very helpful in forming the South Jersey Economic Development District. This development gave Atlantic, Cape May, and Cumberland Counties the opportunity to look beyond their boundaries and become a competitive economic force.

To BOB the Congress means a lot; to all of us who know BOB, he means a lot. Indeed, when I first came to Washington it was BOB to whom I looked for support and confidence. I don't know if BOB ever realized just how much he meant to me. It is with great sadness that I stand here tonight and wish farewell to a good friend and a great Congressman.

Mr. Speaker, I also join with my fellow colleagues in recognizing the many accomplishments of my friend MATT RINALDO who has served this body well for 19 years. His advocacy for the people of New Jersey has been tireless.

Over the years MATT'S contributions have been numerous. His spirit of cooperation and rare ability to forge workable compromises have been a tremendous legislative asset to MATT. As the ranking member of Commerce Subcommittee on Telecommunications and Finance, MATT has endeavored to protect the consumer on a wide variety of issues, from seeking to reduce cable television rates, to preventing unsolicited automated telephone sales calls. His legislation to increase the strength of securities and exchange commission provided much needed confidence to investors in the late 1980's.

As chairman of the Subcommittee on Retirement Income and Employment I have had many opportunities to work with MATT who is the ranking member on the Select Committee on Aging. His concern for the needs of older Americans is genuine and his dedication to protecting the integrity of Social Security for present and future generations is vitally important to all Americans. His leadership has been invaluable to the committee.

MATT RINALDO has effectively served the people of New Jersey with distinction for almost 30 years. In the State Senate, he was highly regarded, and the same is true of his record here in the Congress. His constituents will miss his dedication, and so will the Members of this House. As he leaves Congress, I wish him well in whatever new challenges lie ahead.

Mr. Speaker, I also rise today to pay tribute to my friend and colleague, BARNEY DWYER. After 12 years of exemplary service in this House and an extensive record of accomplishment in New Jersey State government, BARNEY has announced his retirement. New Jersey will surely miss his dedication and leadership.

Representing our State on the Energy and Water Appropriations Subcommittee. BARNEY has worked tireless on issues of importance to New Jersey residents. I had the opportunity to work with BARNEY on the development of the recently approved network of undersea research centers around the United States, including a center at Rutgers University in New Jersey. As a result of Rutgers selection, New Jersey will play a key role in future scientific research in the fields of marine pollution and ocean floor and mineral resource studies.

I am also grateful to BARNEY for his work in helping me to secure funding for dredging our waterways and restoring New Jersey beaches. Providing full, expansive beaches for our residents and tourists to enjoy is vital to southern New Jersey, as tourism represents our number one industry. BARNEY'S assistance in obtaining funding for the Army Corps of Engineers' beach restoration projects was essential.

BARNEY is a wonderfully quiet, kind and caring loving being and a good legislator. He has served New Jersey's Sixth District with distinction. I am proud to call him my friend. I join with the House in expressing my sadness at his departure and my best wishes for success in all of his future endeavors.

Mr. Speaker, FRANK GUARINI has ably served the people of the 14th Congressional District and the people of New Jersey for 14 years.

As the only New Jersey Representative on the Ways and Means Committee, FRANK has played an important role in assuring that the people of New Jersey are well represented on tax matters. As a senior member of the Budget Committee he has worked hard to assure that tax dollars are spent wisely. FRANK has been a strong advocate for responsible government spending while being careful to protect vital community development programs.

One of Frank's greatest concerns has been fair and equal trading policies. He cochaired a congressional Friends of the Caribbean Basin and he supported the United States-Canadian Free-Trade Agreement. However, he has been quick to step in when he felt that trade agreements were not in the best interest of this Nation.

From 1965 to 1972 FRANK also served as a State Senator. During his tenure in the State Senate, New Jersey saw the implementation of some of the toughest air and water pollution control laws in the Nation. His deep dedication to this House and to the people of the 14th District of New Jersey has been unwavering.

It is with great sadness that I bid farewell to my friend and colleague FRANK GUARINI. Yet, I am pleased that he will now be able to pursue whatever challenges lay ahead.

□ 2100

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for just one second?

Mr. HUGHES. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, was the gentleman going to mention his service at Pearl Harbor?

Mr. HUGHES. I am going to mention that.

Mr. DORNAN of California. I do not want to step on the gentleman's pres-

entation. I just thought the gentleman was going to go to another one of your distinguished colleagues.

Mr. HUGHES. The gentleman may go ahead.

Mr. DORNAN of California. Well, I had the honor of sitting right there with Congresswoman BARBARA VUCANOVICH and some others, FRANK GUARINI of your own State, you will be mentioning soon, on the memorial midships of the USS *Arizona*, still a United States ship of the line, although it sits in the mud at the bottom of Pearl Harbor. BARNEY had his grandson with him, and to look at Pearl Harbor through the eyes of his grandson at his hero grandfather who had been on the deck of the second ship to steam out of Pearl Harbor and actually get out to sea, and while they were doing it it rammed the only midget submarine that actually got in the harbor and started into action against some of our moored ships. I am trying to think of the name of the ship. I think it was a good Irish name like Monahan or the Dale, one of those two, but it shows that this particular Congress, and certainly the next one, is the passing of a generation of heroes. You and I were in school, just teenagers, as in BARNEY's case. There at Pearl Harbor, they won, and fought all the way through that war, never knowing how long it was going to take. I was going to make reference to President Bush at Pearl Harbor on that memorial on December 7 of 1991, and it just occurred to me that it was a delight to be there with one of the sons of America who had looked out through a porthole on that Sunday morning and seen the very beginning of our entrance into World War II. It was good being with that good Irish New Jersey son.

Mr. HUGHES. Thank you, BOB. From somebody who has had a distinguished military record, that is a real tribute to BARNEY DWYER.

Mr. Speaker, I am happy to yield to my colleague, the gentleman from New Jersey [Mr. ANDREWS], the newest Member of the congressional delegation from New Jersey, and I want to say an up and rising star who has developed already in just 2 years an enviable reputation.

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank my friend and colleague for yielding to me.

Mr. Speaker, as my friend and colleague, BILL HUGHES, has just said, this is something of a bittersweet experience for us tonight. It is a good experience in that we have a chance to say some things and pause for a few minutes and thank four honored and trusted and respected colleagues and to tell the Members of this body about their accomplishments. It is a bitter experience because we will miss them as human beings and as colleagues and as Representatives of this country.

I have the benefit of a rather unique perspective, as Congressman HUGHES just said, being very new here. I have the perspective of having an outstretched hand and help from these four experienced, mature and distinguished colleagues, who helped me very much in my first 2 years here, and also perhaps I had a fresh perspective to see anew how much they are contributing to our country, to our state and to this institution.

I thought maybe the best way for each of us to understand the contributions that our four colleagues have made is to think about things that will happen in our state and in our country tomorrow morning as the result of the efforts they have made.

Tomorrow morning there will be thousands of students go to Rutgers University in New Jersey at its three campuses. Each one of them will be enriched because of the work that BARNEY DWYER has done in the area of education. From his seat on the Appropriations Committee and from his seat in this Chamber, he has advocated responsible, necessary and valued investment in higher education that has benefited not only New Jersey, but students across the country.

There are buildings, there are scholarships and there are programs that New Jersey students will enjoy tomorrow morning because of his efforts, and we are very grateful to him for that.

Across the country tomorrow there will be navigation taking place on rivers. There will be cleaner rivers. There will be economic development taking place and ports along rivers because of BARNEY DWYER'S work on his subcommittee.

He represented the people of central New Jersey with great commitment, but he did not limit his efforts to the people of New Jersey or central New Jersey.

He has been fair-minded and foresightful and objective in serving the interests of people all across our country.

I would echo the words of BILL HUGHES a few minutes ago that if the caricature of elected officials and public servants is that they are flamboyant, boisterous and always quick to take credit for someone else's achievements, BARNEY DWYER was the precise opposite, not flamboyant, not looking for attention or acclaim, and not quick enough to take credit for his own achievements.

Mr. Speaker, on behalf of my constituents and myself, I want to give him that credit for those achievements tonight and tell him how much we appreciate all he has done.

FRANK GUARINI, tomorrow morning people will go work in a rejuvenated Jersey City in Hudson County. Very unfairly around our state and perhaps even around the country, Hudson County and Jersey City have been the butt of inaccurate jokes over the years. People talk about Hudson County being the wrong side of the river. We know that it is the correct side of the river, that it is a growing and dynamic and worthy community, and FRANK'S work in this Chamber has played a major role in making that happen at home.

□ 2110

Mr. Speaker, his work on the Committee on Ways and Means has helped to write laws and establish policies that have brought many new businesses and new housing to Hudson County and Jersey City.

Mr. Speaker, I will tell a story that he told on himself that is meant to be a humorous one, and it shows how his reputation has enriched our State and this body.

A few months ago, Mr. Speaker, we had something we rarely have here called a teller vote, and I know my colleagues know what this is, but it is a vote where, instead of voting by electronic device, we literally walk down the center aisle here, and, as each person passed by the teller, they are counted as a yes or a no. I assume it does not happen very often. It has only happened once during my tenure here.

I was sitting next to FRANK GUARINI before we had made that vote, and he and I both voted yes on whatever the issue was, and I had walked behind him, and we had been both counted by the teller, and he sat down, and I sat down, and he got up again. I said, "FRANK, where are you going?"

He said, "I'm from Jersey City. I'm going to go get counted again and walk through the line again."

Mr. Speaker, that certainly reflected the political reputation of Jersey City. The fact that he could tell that joke about himself was the fact that his reputation was precisely the opposite. It was one of great integrity, of great public service, and he has contributed to us in that way.

The gentleman from New Jersey [Mr. HUGHES] mentions trade policy. It is accurate to say that hundreds of thousands, even millions, of Americans will go to work tomorrow morning in an export business because FRANK GUARINI took the lead in trade policy and gave us an intelligent and progressive and job-producing trade policy, not only in New Jersey, not only in his home area in Hudson County, but also across our country.

He will be missed for his sense of humor, his insight, his worldliness of having traveled throughout the world and having met many kinds of people, and I personally will miss the opportunity to sit with him and hear his advice and point of view.

MATTIE RINALDO we are proud in New Jersey that our State is a leader in telecommunications and in electronics and related fields. The gentleman from New Jersey [Mr. RINALDO] has a lot to do with that. His leadership on the Committee on Energy and Commerce

in writing great legislation that has opened the door to make and keep America No. 1 in these areas we see dramatically manifested in New Jersey. There are very few employers or industries in our State more important than telecommunications, more important than cable television, more important than some of the areas that are within the jurisdiction of the committee that he serves on so well.

Mr. Speaker, I think that the most important thing that the gentleman from New Jersey [Mr. RINALDO] brought to the institution and to the country was a sense of comity, and cooperation and compromise that we do not really see enough of. For a new Member, for a young Member, what a great role model to follow. How enlightening it is to sit on the Democratic side of the aisle and hear without exception that if one has a problem that needs to be solved, that MATT RINALDO is the kind of human being and the kind of Representative who can solve it, someone who is proud of his party affiliation, who stands for his party's principles, and votes that way and advocates that way, but understands that standing on principles does not mean that one cannot yield on practicality and that one certainly is always able to work together on a human nature level to work and solve problems.

Mr. Speaker, MATT RINALDO'S contribution to New Jersey again is seen by people who will pick up a telephone tomorrow and make a call, or be able to use a fax machine, or become involved in beaming a satellite picture or even just watching cable television. His very serious and substantial contribution to that area of the law is something that we enjoy in our State every day, enjoy in our country every day, and I would hope that his legacy here is, not only the personal contributions that he has made, but the attitude that he practices here every day, and that we will remember that we can get along as men and women and that we can find common ground on the issues that we are assigned to confront for our country.

MATTIE is a gentleman of New Jersey. He will be missed, and I am grateful for his decision, for his personal reasons, that he will be happy doing what he is doing. But he will be missed as a colleague.

What can be said about the dean of our delegation, BOB ROE? The most important thing I can say is there would not be an American who travels on a train, or an airplane, or across a highway or on a ship tomorrow that in some way does not have to thank the gentleman from New Jersey [Mr. ROE] for the safety of that voyage, for the efficiency of that trip and for the fact the trip can be made at all in the first place. Here is someone who has left his mark in every port, in every airport, on every highway, every commuter rail system, every freight rail system in this country.

BOB has had to make difficult decisions. The pie was not always large enough that everyone could get a piece that he or she desired. The competing interests between the different industries put him in the middle of some very hard decisions, but it is a measure of his integrity and service that each of those people competing for the pies will say without reservation that he was the leader of this country's transportation effort.

When President Bush signed the ISTEA Act into law last fall, it was a proud moment for us in New Jersey, especially because we knew the effort that he had put forward on that, that it was a crowning achievement. We are kind of sad to know that it was a crowning achievement on a career that would soon end here. We were hopeful it would be the first achievement in a long string of achievements as chairman of the Committee on Public Works and Transportation.

Mr. Speaker, you cannot go anywhere in New Jersey without seeing the positive impact that BOB ROE has made on our State, and you really cannot go anywhere in the country without seeing the positive impact he has had on our State. The greatest contribution he has made, to me as an individual, I think to this body, and I know to our State, is enthusiasm.

My colleagues know that no matter what profession we are in, no matter what line of work we choose, there is a tendency after a while to become a bit mechanical and a bit bored, I suppose, in what we do. I do not care whether one is a police officer, or a teacher, or a craftsperson or a salesperson. After a while, when someone has been doing something year after year after year, they kind of wear out a little bit. The gentlemen from New Jersey [Mr. ROE] is precisely the opposite of that attitude. The longer he has served in this Chamber, the longer he has served the public, whether as a freeholder, director, or a Cabinet member, or a mayor, or as a Member of Congress, the more energy he seems to generate, the more he wants to do.

Many of us work very long days at this time of our session when there is much legislation to consider. That is BOB'S normal pace. He does not know what a recess or a vacation means. I sometimes think he does not know what a weekend means because he loved this job. He threw himself into it with great enthusiasm, and the most important personal memory that I take of BOB ROE'S service here in my brief tenure is that on days when everyone can get a little frustrated and a little tired, I look at this person who has been here for so many years and endured the slings and arrows that everyone in public lives endures, and yet he attacks each day with that essential enthusiasm. It is infectious in the positive sense of the word.

His leadership of our delegation, his tremendous contribution to New Jersey as a State and his contribution to the country will be missed, so I would conclude by thanking the gentleman from New Jersey [Mr. HUGHES] for ordering this special order. There is a gaping hole in the New Jersey delegation that will have to be filled by those of us who will be fortunate enough to be part of it next year. I hope we will be able to draw from the lessons of our various colleagues, and they certainly gave us a great standard for which to aim.

Mr. HUGHES. Mr. Speaker, I am happy to yield to the gentleman from New Jersey [Mr. PAYNE], a very distinguished member of our Committee on Education and Labor.

Mr. PAYNE of New Jersey. Mr. Speaker, it is with a mixture of deep gratitude, profound respect, and some sadness that I rise this evening to pay tribute to my departing New Jersey colleagues.

I feel very fortunate to have been able to serve in the U.S. Congress with four men of such outstanding stature—BOB ROE, BARNEY DWYER, FRANK GUARINI, and MATT RINALDO, who were all well known for the active roles they played in New Jersey before coming to Washington, each serving in a substantial elected and appointed office and being experienced legislators when they came to Washington.

Since my election to Congress in 1988, each of them has been exceedingly helpful and kind to me. When I arrived in Washington, the new kid on the block, they gave me a warm welcome and offered words of encouragement and support. This meant a lot to me, because I was replacing a man who was a great institution, the Honorable Peter Rodino, the distinguished chairman of the House Judiciary Committee, who presided over the Watergate hearings.

In the years that followed, they have generously shared their knowledge and expertise with me. I represent an urban district of New Jersey, which includes my home city of Newark, where a major economic revitalization effort is underway. With the support of the senior members of the New Jersey delegation, I have been able to secure much needed improvements in our local transportation system, our schools, and our health care facilities. The legacy of my New Jersey colleagues will long live on in the 10th Congressional District.

Each of these four public servants has distinguished himself in a unique way. As chairman of the House Public Works and Transportation Committee, BOB ROE has recognized the importance, and the benefits, of modernizing our transportation system. Our Na-

tion's competitiveness has been sharpened because of BOB ROE's vision. As the dean of the New Jersey delegation, Chairman ROE won our admiration and our affection. His boundless energy has moved mountains, and his leadership has been a constant source of inspiration to me.

My good friend BARNEY DWYER has been someone I could always count on—to listen, to advise, and to help out when I came to him asking for assistance during the appropriations process. He took a genuine interest in projects that I talked to him about, even though they were outside of his district. If the need was there, BARNEY was willing and eager to help. He never sought to take credit for any of his accomplishments. In a profession where we see too much grandstanding, BARNEY DWYER carved out his place as a decent, hard-working, unassuming man who is the best friend you could ask for.

FRANK GUARINI distinguished himself from the day he came to Congress. As a freshman, he was appointed to the prestigious Ways and Means Committee, an accomplishment that is almost unheard of. He is an outstanding lawyer who has developed a remarkable expertise in the area of tax law. If all goes well on election day, my new district will include part of his present district, notably a portion of Jersey City. I hope that I can represent the residents of that area as ably as my friend Congressman GUARINI has.

Finally, I want to pay tribute to MATT RINALDO, who has been a wonderful friend throughout the years. Because he represents a district that adjoins mine, we have had the opportunity to work on a number of issues together. Although he is from the other side of the aisle, he too has been extremely supportive whenever I have approached him about any matter. MATT has given outstanding service as a senior member of the Energy and Commerce Committee. He is a man who puts public service above partisanship, and his absence will be felt.

□ 2120

Mr. Speaker, let me say in conclusion, as has been indicated by the new member of our delegation, ROB ANDREWS, that we are losing some very distinguished persons. But even if we look back two terms, the 101st and 102d, New Jersey probably has lost a higher percentage of its delegation than any delegation in the country. As you may recall, we had the untimely death of Frank Howard. We saw the retirement of Peter J. Rodino. We saw the retirement to run for other office of Governor Jim Florio and Jim Courter. Now we see four other distinguished Members, meaning close to 70 to 75 percent of the delegation of New Jersey has left during the past terms.

Remarkably, it will take a tremendous amount out of our delegation. But as we talk about the loss to New Jersey, I think that as this great country moves forward, it shows that the country has the capacity to make changes when changes should be made. It has the capacity to bring in new outstanding people like FRANK PALLONE and ROB ANDREWS.

I feel privileged, being an American born of very poor parents, raised in poverty, but to be a Member of the House of Representatives. In our 103d Congress we will be very pleased to have the first Hispanic American elected to the New Jersey delegation, as I served as the first African-American from New Jersey to serve in this great body.

So as we look at our past, we know where we are here at the present. I think that the future will belong to those who are prepared for it. As we bid these four colleagues farewell, our best wishes for continued success go to them.

Mr. Speaker, I know that they will all remain active and involved in their communities and the affairs of our Nation. We thank them for a job well done as we move on to the next phase of their lives.

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SMITH], a distinguished Member of this body.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, BILL HUGHES, for his comments on behalf of our colleagues and for my other two colleagues for making very good statements on behalf of four wonderful gentlemen who we honor tonight, of course BOB ROE, MATT RINALDO, FRANK GUARINI, and BERNIE DWYER.

Mr. Speaker, as dean of our delegation BOB ROE has always fostered bipartisan cooperation and commitment to the public interest. He has been the kind of guy, and I have watched him up close for a great number of years, who has never sought advantage or oneupmanship or gain at the expense of others, including Republicans, and he certainly has had the opportunity a large number of times. But he never did that kind of thing, choosing instead to work with all of us in a bipartisan way, especially his colleagues from New Jersey, to come up with proposals and ideas to benefit our districts, to help people with flood control.

I remember very well some years back when we had a problem in Monmouth County with flood control. I approached BOB with a proposal, sat down with him. He asked all the right questions, knew exactly what had to be done, and I saw so very clearly that he was the kind of guy who knew his trade. He truly was a chairman's chairman who knew the legislative process, knew what kind of hurdles had to be overcome in order to see this particular project flourish, which it did. And I am very grateful to BOB for that.

As chairman of the Committee on Public Works and Transportation, he has always been willing to listen to Members, including those outside of our area. The book on BOB is that he is always approachable, he is thoughtful, and totally committed to making the best use of taxpayer dollars.

BOB ROE has made clearly a difference in New Jersey and America.

Mr. Speaker, each year the New Jersey Chamber of Commerce hosts a dinner in honor of the New Jersey delegation. About 2,000 business, community, and political leaders travel to Washington to participate in this special event.

As dean of our delegation, BOB never misses the opportunity to tell the assembled guests how proud he is of our delegation. He mentions specific Members, bounces around the dais pointing out what this Member has done for New Jersey and what that Member has done.

But it is interesting to note, and this is the kind of self-effacing guy we are talking about, he rarely touts his own accomplishments, even though he has helped to bring more jobs to the State of New Jersey that any other lawmaker.

Tonight we have the opportunity to tell BOB ROE how proud we are of him, how grateful we are for the hundreds of thousands of hours that he has spent on behalf of our people of New Jersey and on behalf of America. He lives in that committee, as we all know, lives, breathes, and works that committee to the best interests of our constituents.

Mr. Speaker, MATT RINALDO has been a good friend, a close friend of mine, ever since I first came to Congress back in 1981. As two Republicans with very substantial labor interests, we have worked very closely on issues of concern to working men and working women. We have fought many battles together, stood in the trenches very often. Sometimes we are alone, particularly on our side of the aisle, and I know I will miss MATT very, very much.

I have always been able to count on MATT to keep me apprised of the many intricacies of issues, especially during my first couple of years and terms here, particularly those that related to labor interests.

I have always found MATT RINALDO to be very knowledgeable, a journeyman of a legislator, and a guy with a great sense of humor.

□ 2130

As ranking Republican on the Select Committee on Aging, MATT has demonstrated his keen concern about the issues that impact upon the elderly. Older Americans, I am sorry to say, have lost a tried and true friend in MATTY. He has strongly defended the Social Security trust funds and that important Social Security system, and has also advanced some very construc-

tive ideas for improving health care services for our elderly.

On the Committee on Energy and Commerce, MATTY was a strong advocate for environmental and consumer protection, and as our good friend, ROB, has mentioned earlier, a real genius in the area of telecommunications, working in a very bipartisan way, and I would suggest that his work, along with the chairman of the subcommittee, will affect Americans for generations to come in a very positive way.

MATT RINALDO will be missed by his constituents and he will be missed by many of us who have known him and had great affection for him.

Mr. Speaker, FRANK GUARINI, another distinguished Member from New Jersey, has been a strong advocate for New Jersey's taxpayers. As a member of the Committee on Ways and Means, he waged a valiant effort to stop the neighboring State of New York from imposing unfair taxes on New Jersey residents. He has also fought to protect American workers from being victimized by unfair dumping and practices by foreign competitors.

FRANK has always been a gentleman. He is a sharp dresser, as we all know, and a straight shooter. We will miss his friendly manner, and as I have walked over for votes since I have moved over to the Rayburn Building I have gotten to know him quite well. He has a great sense of humor, and I will miss FRANK GUARINI very much.

Finally, Mr. Speaker, BARNEY DWYER is somewhat legendary, as has been pointed out by all three of my colleagues, as the legendary quiet man of the New Jersey delegation. Let it not be said that he is quiet in terms of his deeds. He has done much for the State of New Jersey; quiet in words, but not deeds. He may not send out as many press releases as the average bear, but BARNEY has quietly and effectively worked on behalf of his constituents.

As a member of the powerful Committee on Appropriations, BARNEY has been a strong advocate for transportation, education, and economic development. In each of these areas he has made his mark. In the 12 years that I have known BARNEY, I can say I have never heard him say a negative or critical thing about anyone in this Chamber or outside of this Chamber. I think that says a lot for the man's character.

Mr. Speaker, the people of New Jersey will lose four effective representatives at the conclusion of the 102d Congress. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have proven that there are decent and honorable public leaders in the House of Representatives. We have four fewer of them as we close out this session. Again, I thank my friend for this special order.

Mr. Speaker, I want to join with my colleagues to recognize the significant accomplishments of the gentleman from New Jersey's 14th Congressional District, FRANK GUARINI.

FRANK came to Congress in 1979, after more than a decade of service in local and State governments.

He gained an appointment to the powerful House Ways and Means Committee and has participated in some of the most important congressional debates of the 1980's.

He has been a major booster of what I call New Jersey pride and has waged an ongoing battle for the city and State of New York over New Jersey's claims on Ellis Island and other related issues.

There are many areas of FRANK's career of service that deserve recognition, but there is one particular series of events that I recall as a prime example of his continuous efforts on behalf of the people of New Jersey and the Nation as a whole.

During the planning stages for the 100th anniversary celebration for the Statute of Liberty, I was appalled to learn that new immigrants being sworn in on Ellis Island as a symbolic reminder of our immigrant heritage would all be from New York, and not from all parts of the country, as we had been promised.

This was to be a national celebration, but we were told that Federal law prevented us from inviting anyone outside of the district court's jurisdiction. We would need an act of Congress to make an exception in this case.

I talked the matter over with FRANK, who had been waging a battle with New York over jurisdiction of the island, and he suggested that we take the matter to our colleague, the chairman of the House Judiciary Committee, Peter Rodino.

Working together in a bipartisan fashion, the three of us got the legislation through Congress and signed by President Reagan in less than 60 days.

As a result, the Ellis Island ceremonies were truly a national event, with new citizens from all parts of the country participating.

This is just one small example of the can-do spirit that FRANK GUARINI has brought to his career in public service. As a member of the Ways and Means Committee, FRANK has worked tirelessly on many of the most complex pieces of legislation in Congress, dealing with tax policy.

Yet, he also has a strong sense of the needs of his constituents and of the importance placed on issues of importance to New Jersey and the Nation.

Mr. Speaker. I, therefore, join with my colleagues in recognizing FRANK GUARINI's many accomplishments and wish him all the best in his future endeavors.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman MATTHEW RINALDO of the Seventh District of New Jersey for his 20 years of outstanding service in the House of Representatives.

As the ranking minority member of the Subcommittee on Telecommunications and Finance, Energy and Commerce Committee, Mr. RINALDO wields considerable influence, and has helped in crafting legislation to reregulate the cable television industry and to define the role of the Securities and Exchange Commission, including giving the SEC authority to ban the type of program trading that leads to wide price swings. In addition, he serves as the senior Republican on the Select Committee on Aging, handling with sensitivity and integrity the Social Security and other issues affecting our Nation's senior citizens.

At home in New Jersey, Mr. RINALDO is known to his constituents for his ability to listen and respond to their problems, working to reduce noise pollution from nearby airports in Newark and New York.

MATT is respected for his willingness and skill in bipartisan compromise, and he will be missed in Congress when he retires at the end of this year. I congratulate him on his fine record of service to our Nation, and wish him well in all of future endeavors.

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride, a large dose of humility, and some sadness that I join with my colleagues in this special order this evening.

At the outset, let me say thank you to my colleagues for their kind words and good wishes. I am very grateful that I have been able to make a modest contribution in the last 12 years to my district, my State and my Nation. It is an opportunity which is afforded to few people and one which I will always cherish.

I would like to take a few minutes to discuss the contributions which my three colleagues from New Jersey who will not be returning to the House have made to this great Nation.

MATT RINALDO spent 20 years in this House and serving the people of Union County. The thought of the New Jersey delegation without him is almost incomprehensible. MATT has made such a great contribution to the needs of senior citizens and in the area of telecommunications over the years. His accomplishments will long outlive his service to this House and remain as a testament to his effectiveness and the high regard with which he is held.

My good friend and colleague, FRANK GUARINI, will also not be returning to these Halls and, again, that is a terrible loss to the people of New Jersey and the Nation. In his service on the Ways and Means Committee and in our work together on the Budget Committee, FRANK GUARINI has been a strong and steady voice for fairness and equity in the taxing and spending policies of this Nation. He has been an ardent advocate for the creation of good jobs for our citizens and has ably represented the people of his district for 14 years.

In addition, I must take a moment to single out one of the outstanding Members of this body, my good friend and the dean of the New Jersey delegation, BOB ROE. BOB ROE may be the hardest working Member of Congress I have ever met. His contributions to this Nation in the areas of water policy, science and technology, and transportation are legendary and well known to all members of this body and are of great importance to this Nation. His leadership of the New Jersey delegation is the single largest reason for our cohesiveness and effectiveness in this session.

Finally, I would like to say a few words to my friends and colleagues who will remain in this House. My good friend, BILL HUGHES, who was kind enough to request this special order, will be moving into the role of the dean of the New Jersey delegation and I can think of no one more capable than he. The residents of New Jersey can rest assured that the remaining members of our delegation are quality

Representatives who put the interests of the people of our State and Nation ahead of other interests.

Mr. Speaker, again, I would like to thank Mr. HUGHES for requesting this special order and my friends in the House for their kind words. I will miss the collegiality and friendships I have developed here in the last 12 years and look forward to the House's continued success in addressing the issues which are of great concern and importance to the American people.

Mr. ROE. Mr. Speaker, as dean of the New Jersey congesssional delegation, I want to pay a special, personal tribute to my close friends, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, all of whom have chosen to leave Congress at the end of this year.

I also want to thank our next dean, BILL HUGHES, for arranging for this special order for all of us who have decided that it is time to do something else.

It has been my great honor and pleasure to have known and worked with MATT, FRANK, and BARNEY for a quarter of a century. I first met all three of these great people when I served in the cabinet of Gov. Dick Hughes as Commissioner of Conservation and Economic Development.

That seems like several lifetimes ago when MATT was a member of the Union County Board of Freeholders and then a State Senator, when FRANK was a State Senator from Hudson County and the chairman of the committee on air and water pollution and public health, and when BARNEY was a councilman and mayor in Edison Township.

I came to Congress in a special election in 1969, MATT arrived in 1973, FRANK in 1979, and BARNEY in 1981. Since then we have worked vigorously on countless issues with an extra degree of teamwork. We have worked together on a bipartisan basis on infrastructure issues for the State of New Jersey but also on every other conceivable issue whether it be housing, health, education, or anything else that affected the people of our State.

It must be emphasized that partisan politics was absolutely no factor in our joint and unified efforts on behalf of the State of New Jersey. Partisan politics has always come second among us to the needs of our State.

The New Jersey delegation has been much more than a group of Congressmen from the same State—we have been like family to each other. We have been in constant communication with each other. Working together, we have shaped Federal policy as it affects New Jersey and we have regularly collaborated on our constituent services to the benefit of the entire State.

We have all worked in great coordination with our Governors of whatever party—whether it was JIM FLORIA, TOM KEAN, BRENDAN BYRNE, or BILL CAHILL.

Ultimately, Mr. Speaker, we have worked together as well as we have for all these years because we are longstanding personal friends. While I am looking forward with great anticipation to a new career outside of Congress, I will greatly miss MATT, FRANK, BARNEY, and all my other friends here.

My friend, MATT RINALDO, truly represents the best of the New Jersey Republican tradition—a legacy that emphasizes performance for the State over ideology and partisanship. He has worked hard for his constituents in the 20 years since he was first elected to Congress and he has developed an extremely impressive knowledge and influence in telecommunications and securities matters and other issues before the Energy and Commerce Committee.

MATT has been tremendously successful because of his moderate, pragmatic approach to issues. He is someone who wants to get things done for the people of New Jersey and he has done that for two decades.

My friend, FRANK GUARINI, has been New Jersey's strong and effective voice on the Ways and Means Committee. With his active and energetic approach, he has had a huge impact on numerous matters throughout our State.

FRANK has shown great leadership in representing our State on complex and significant matters of taxes, social programs, and other major issues. He has consistently demonstrated superb and masterful political skills that have benefited all of the people of New Jersey. More than many people realize, he has had a tremendous beneficial impact on the day-to-day lives of the people of New Jersey.

My friend, BARNEY DWYER, is sometimes referred to as New Jersey's quiet man but he has been our quietly effective pointman on the Appropriations Committee from the day he arrived in Washington. After chairing the joint appropriations committee in the State legislature, BARNEY moved right in to an important position on the Appropriations Committee without missing a beat. He has been a tower of strength for our State.

BARNEY has been a true anomaly in Congress where he has issued fewer press releases in his entire career than some Members issue in a month. He is not interested in the spotlight or in grabbing headlines but in getting the job done for New Jersey. For 12 yeas, he has been a great leader in this Congress and has gotten the job done for New Jersey, day in and day out on every issue.

New Jersey is losing 46 years of expertise, knowledge, experience, and hard work with the departures of MATT RINALDO, FRANK GUARINI, and BARNEY DWYER from Congress. It will be a huge and irreplaceable loss for the people of New Jersey and the entire Nation.

I am proud to have MATT RINALDO, FRANK GUARINI and BARNEY DWYER as my friends. Working with them has been one of the great experiences of my life and I will truly miss them.

Mr. GALLO. Mr. Speaker, I am pleased to have the opportunity today to depart from those partisan debates that have become so commonplace in this Chamber in recent days in order to say something nice about a colleague and a friend on the other side of the aisle.

I have known BARNEY DWYER for more than two decades and I have a great respect for his ability to get things done on behalf of the people of New Jersey.

For the last 4 years, we have served together on the Appropriations Committee, and for me it has seemed like old times, because this is not the first time that we have worked together in a bipartisan fashion to develop a budget through the hearing process, to debate the issues, work out our disagreements, and then fight side by side to get the legislation through the process and onto the desk of the chief executive.

In 1976, I was a new member of the New Jersey General Assembly, and had the good fortune to be assigned to the joint appropriations committee, which incorporated members from both the assembly and the senate.

And, BARNEY DWYER was serving, at that time, as a member of the committee from the senate side.

Because we were responsible for reviewing the entire budget at the full committee level, we would hold hearings for 6 weeks on all aspects of State government and debate the budget item by item through those 6 weeks.

Needless to say, a process of that type can bring about very close working relationships that have a tendency to stand the test of time.

I had the privilege of working with BARNEY DWYER during the period of time when he served as chairman of the joint appropriations committee, a job which required a great deal of expertise and the ability to keep this complicated process moving forward.

As a result of his strong background in the appropriations process, BARNEY became a member of the Appropriations Committee in this body as a freshman Member of Congress—a significant accomplishment for a first-term Member.

He immediately became an effective and highly respected member of the committee and was able to translate that expertise into positive programs for New Jersey.

New Jersey's colleges and universities are better prepared to educate our young people, because BARNEY DWYER was always there to fight for their needs.

We have state-of-the-art research labs and other high-technology development facilities, because BARNEY DWYER was there to be an effective advocate for programs to meet our future needs.

BARNEY DWYER has never been one to actively seek the limelight for himself, but he has never been shy about promoting those programs and policies that improve the quality of life and give our people the tools they need to build a better tomorrow.

At a time when it is popular to look for high visibility in our leaders, it is important to remember that there are other types of leadership.

The gentleman from New Jersey does not often take to the floor to make fiery speeches. He works diligently to solve problems by finding common ground. And then he convinces others of the wisdom of that solution.

To me, leadership means problem solving, and BARNEY DWYER has been an effective leader throughout his 12 years as a Member of this body.

Mr. Speaker, I want to recognize the many accomplishments of our colleague and friend, BARNEY DWYER, and wish him all the best as he leaves us to undertake new challenges.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BARNEY DWYER of the Sixth District of New Jersey for his 12 years of outstanding service in the House of Representatives.

Mr. DWYER has used his seat on the Appropriations Subcommittees on Defense and En-

ergy and Water Development for the benefit of his district, through which runs the Passaic River. In his capacity as a member of the Defense Subcommittee, BARNEY DWYER has helped to set the changing priorities of defense spending. Before coming to Washington, he held office at the local and State level, rising to the position of majority leader in the State senate.

His district, like the rest of the Nation, has become increasingly dependent on technology rather than industry, education rather than experience. However, it is interesting to note that, while Mr. DWYER is one of the few Members in this House without a college degree, he has represented the views of his constituents in such a manner to warrant his reelection for six consecutive terms, proving that Americans still succeed with and respect hard work.

I wish BARNEY DWYER the best of luck as he retires from Congress, and happiness in the years ahead.

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the retiring Members from my neighboring State, New Jersey. I have worked with them all and I know that together that we have always collectively had the best interests of the metropolitan area that includes New York and New Jersey in mind in our efforts. I believe this body will miss their contributions.

I want to say a few words about a very special friend, my colleague, FRANK GUARINI. We have served together on the Committee on Ways and Means and the Select Committee on Narcotics Abuse and Control. Though I know we will always be good friends, but I will miss him as a colleague in our efforts to stem the evil tide of drugs and our efforts to assure a fair Tax Code, a strong Society Security and Medicare system.

FRANK is one of a dying breed of politicians who legislates more from the heart than by counting each bean. FRANK comes from the strong urban ethnic environment that bred such politicians. Politicians from these communities have a sense of who is for the little people and who would selfishly deny the working man and woman their fair share. FRANK feels what his constituents feel and made his decisions based on those expressions. It may not be the neatest way to legislate, but it is the most honest. More than once FRANK's enthusiasm to do what in his heart he thought was right has caused him to stumble. But, each time FRANK got up and kept coming. He kept at it until he convinced everyone of the merits of his arguments. For example, that is why there is a strong Caribbean Basin Initiative. That is why there is still a tax provision to encourage employer to pay for the continuing education of their employees.

FRANK has been tireless in the battle against the scourge of narcotics. As chairman of the Select Committee on Narcotics Abuse and Control I can say many of the successes the committee has had would not have been possible without the contribution of FRANK GUARINI.

Most important about FRANK GUARINI is his essential goodness, his grace and his generosity. When he is your friend he is loyal and always available. I know that I will miss his presence in this body, but I am grateful he will always be my friend.

Mr. GALLO. Mr. Speaker, I join with my colleagues to recognize the significant accomplishments of our most senior Republican Member in the New Jersey delegation, as he prepares to leave us at the close of the 102d Congress and take up new challenges in the private sector.

MATTHEW J. RINALDO's career of public service spans three decades, beginning in local and county government in 1963 and continuing at the State level as a member of the New Jersey Senate from 1967 to 1972, when he was elected to Congress.

As a member of the House Energy and Commerce Committee, he moved up through the ranks to become the ranking Republican on the Telecommunications Subcommittee, where he has had a major impact on legislation dealing with this most critical growth area for our country.

He has been a tireless advocate for our senior citizens as an influential member of the House Select Committee on Aging.

In all of his work in Congress over three decades, there is one thread which ties together his actions and his overall philosophy—New Jersey first.

All of the members of the New Jersey delegation take special pride in working together for the good of our State, and when it comes to issues of importance to New Jersey, we all hang together.

MATTHEW RINALDO typifies this dedication to Garden State issues. He has been an active supporter of energy policies that protect New Jersey and the Northeast from unfair pricing policies and has been a consistent supporter of environmental initiatives that have a major impact on our State.

MATT's recent decision to step aside at the close of this Congress, frankly, came as a shock to many of us, but his thought process reflects an overriding belief in the importance of mutual understanding between the public and private sectors.

It is very important for all citizens, both as individuals and as productive members of society, to participate in the workings of their government.

It is equally important for those of us in public service positions to always be in touch with the people we serve.

As a public official, MATT has kept those critical lines of communication open, and I believe his understanding of the inside workings of government will enhance his ability to undertake the new challenges that lie ahead for him.

Mr. Speaker, I, therefore, join with my colleagues in recognizing MATTHEW RINALDO's many accomplishments and wish him all the best in his future endeavors.

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from New Jersey and our colleague, BILL HUGHES, for reserving this time to pay tribute to departing Members of the New Jersey congressional delegation. I am honored to participate in this special salute to BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, recognizing their contributions to this institution over the years.

Many of us gathered here this evening have served on committees and subcommittees with BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER. We have also benefited from close friendships with these individuals. Their service in the House has been exemplary and we are honored to recognize their efforts.

Mr. Speaker, the distinguished dean of the New Jersey congressional delegation, ROBERT ROE, was elected to the House in 1969. Many of us are familiar with BOB'S outstanding work as chairman of the Science, Space, and Technology Committee. During his chairmanship, legislation was formulated to address important issues including our technological competitiveness, fusion development, and the modernization of our university research facilities. I recall that I had occasion to work closely with BOB during his chairmanship to successfully include an amendment providing a 10-percent minority set-aside in the development of the superconducting super collider. The action resulted in millions of dollars for historically black colleges and universities, and minority and disadvantaged businesses.

Last year, BOB ROE was selected to chair the Public Works and Transportation Committee and was the primary author of the Surface Transportation Efficiency Act of 1991. As the previous chairman of the Subcommittee on Water Resources, BOB also wrote major environmental and water quality legislation, including the Superfund Act of 1986, the Water Resources Act of 1986, and the Clean Water Act of 1987. BOB also serves on the Select Committee on Aging. I had the honor of serving with BOB ROE on the House Intelligence Committee. When I chaired the committee, he was one of my strongest supporters.

Mr. Speaker, we have watched BOB ROE and admired his leadership as dean of the New Jersey delegation. The delegation has benefited from the guidance of an individual who is admired and respected for his legislative skills. BOB ROE is a dedicated individual; he is a strong advocate on behalf of his State; and he is, by any definition, a great politician. As he departs the House, I join many others in wishing him well.

MATT RINALDO serves on the other side of the aisle, representing New Jersey's Seventh Congressional District. He was elected in 1972, and during this tenure, MATT has worked tirelessly on behalf of his constituency. During this Congress, MATT was the ranking minority member on the Select Committee on Aging and served on the Health and Long-Term Care Subcommittee.

In addition, he served as a member of the Energy and Commerce Committee, and as the ranking minority member on the Telecommunications and Finance Subcommittee. He also served on the Subcommittee on Transportation and Hazardous Materials.

Mr. Speaker, I am proud to have served in the Congress with MATT RINALDO and I join his colleagues in extending my best wishes to him in the future.

FRANK GUARINI, who represents New Jersey's 14th Congressional District, is completing his 7th term in the House. Prior to his election to the Congress, FRANK was a member of the New Jersey State Senate. In the House, FRANK has served with distinction as a senior member of the Budget Committee, where he chairs the Task Force on Urgent Fiscal Issues and the Ways and Means Committee, where he serves on the Subcommittee on Trade.

Mr. Speaker, throughout his tenure on the Budget Committee, FRANK GUARINI has fought for responsible Government spending. He has also been a strong advocate for important community development programs including community development block grants, urban development action grants, and funding for low-income housing.

FRANK GUARINI is held in high esteem in the Congress. He has won the respect of his colleagues and our admiration. I have traveled abroad on congressional trips with FRANK. Along with his tireless dedication to congressional responsibilities, he is also a pleasure to be around. I am proud of my friendship with FRANK and I wish him well.

Mr. Speaker, BARNEY DWYER came to the Congress in 1980 to represent New Jersey's Sixth Congressional District. However, he brought to this institution a wealth of political experience. In New Jersey, BARNEY served on the Edison Township Council before being elected mayor. He then served in the New Jersey State Senate and held the post of majority leader at the time of his election to Congress.

I am proud to serve on the House Appropriations Committee with BARNEY. I also recall our service together on the Labor-HHS-Education Subcommittee. During his tenure, BARNEY has worked hard, both as a member of the full committee, and as member of the Subcommittees on Defense and Energy and Water Development. BARNEY also serves as a member of the House Budget Committee.

In the Congress, BERNARD DWYER will be remembered as a conscientious legislator; a dedicated committee member; and a good friend who is available for counsel and advice.

Mr. Speaker, I take pride in participating in this special order today. As dean of the Ohio Democratic delegation, I know the importance of Members working together for the benefit of their State. The New Jersey delegation is losing the talents of four gifted individuals who have worked tirelessly to accomplish this goal. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have made their mark in this institution. The State of New Jersey and our Nation has been the beneficiary of their individual and collective efforts. We applaud each of them and wish them well.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join my colleagues in recognizing Congressman FRANK GUARINI of the 14th District of New Jersey for his 14 years of outstanding service in the House of Representatives.

On the Ways and Means Committee, he has, to the benefit of the many textile plants in his district, supported measures tough on unfair trade policies, and fought to penetrate Japan's closed markets. In addition to his committee actions, his consistent support of free trade, including his cochairmanship of the Congressional Friends of the Caribbean Basin, has worked for the good of the United States and other nations. Mr. GUARINI, as the fourth ranking member of the Budget Committee, and as chairman of the Subcommittee on Urgent Fiscal Affairs, has provided astute leadership in fiscal matters.

When Mr. GUARINI departs at the conclusion of this legislative session, he will leave a fine legacy of accomplishments in both Congress and New Jersey, and I congratulate him on that record. I have enjoyed working with him, and offer my best wishes for the future.

Mr. SWETT. Mr. Speaker, I rise this evening to join my colleagues in expressing my respect and appreciation for the fine work and upstanding character of the four retiring members of the New Jersey delegation. As a freshman Member of this body, I have not had the opportunity to work as closely with some of these gentlemen as many of my colleagues have, but I have nonetheless benefited from the experience and class they have brought to the work of this great institution.

I would like to single out, for special praise, the one individual among those we honor tonight whom I have had the opportunity to work closely with during my short time as a Member of this body.

That individual is BOB ROE, my chairman on the Public Works and Transportation Committee. This man exemplifies all the best of what it means to be a Member of this body. He is an indefatigable legislator, a consummate tactician, and an incisive leader. In his leadership of our committee, he has combined principle and pragmatism in perfect proportion. He has done what he needed to do to ensure the successful conclusion of our committee's legislative agenda, but he has done it without ever sacrificing the core values that brought him to the House of Representatives in 1969. BOB ROE believes in this institution. He is unrepentant in his conviction that government can do good, and he is unswerving in his determination to ensure that it achieve that potential.

BOB ROE manifests his respect for the House in many ways, not least among them the way in which he deals with his colleagues on the Public Works Committee. He treats each and every committee member with the utmost respect. He is attentive to their problems and responsive to their needs—whether one is a senior member or a freshman. His leadership style is inclusive and oriented toward problem solving and consensus building.

In my own case, Chairman ROE gave me an opportunity to contribute to the historic ISTEA legislation which he and NORM MINETA shepherded through the Congress last year. He was sympathetic to the needs of my constituents and supportive of my desire to play a role in shaping certain elements of this landmark law. I was brought in, rather than shut out. My association with this legislation is perhaps the greatest satisfaction of my freshman term, and it would not have been possible without BOB ROE.

Mr. Speaker, I will leave it to others, who have known this ordinary man longer, to sing his praises further. But I want to take this opportunity to thank him, publicly, for his help and his guidance over the last two sessions. The quality of both his work and his character will not be forgotten on the committee he has led so ably. It has truly been an honor to serve with him.

Mr. GALLO. Mr. Speaker, as we approach the closing hours of the 102d Congress, we also come closer to a milestone in the history of this institution.

And nowhere is that sense of change more evident than within the House Public Works and Transportation Committee, as its current chairman, BOB ROE, prepares to take his leave at the end of the current session.

The Public Works Committee has had a long history of bipartisan cooperation in the development of programs and policies that have moved this country forward.

The Interstate Highway System is just one example of the many essential projects that were brought into reality by those who have served on this important committee over many decades.

Since 1969, when he was sworn in as a Member of the 91st Congress, BOB ROE has served as a Member of the Public Works and Transportation Committee and has played a major role in shaping our national transportation and infrastructure programs for more than two decades.

During the 99th and 100th Congresses, I had the pleasure of serving with BOB ROE on the Public Works and Transportation Committee as a member of the subcommittee that he chaired, the Water Resources Subcommittee.

Those were momentous years, with the reauthorization of the Clean Water Act and the Superfund Program proceeding through the committee at the same time that we were also dealing with landmark legislation to protect our safe sources of drinking water, as well as a whole host of other major initiatives that were being developed simultaneously.

And throughout all of the discussions and debates, BOB ROE was always working in a bipartisan fashion to seek our input and to garner our support with one principle foremost in mind—the overall welfare and continued prosperity of our Nation.

BOB ROE is a problem solver, a doer, who is not happy as long as there are unresolved issues. He is willing to work all day and all night if necessary until those issues are resolved satisfactorily.

BOB ROE has upheld a longstanding tradition among chairmen of the Public Works and Transportation Committee as a positive thinker and an individual with a vision of a better future for our country.

He is an eternal optimist about the value of building for a brighter tomorrow by taking the long-term view and moving forward one step at a time to reach your goals.

In an age of short-term thinking and negative attitudes about the value of public works projects of all kinds—a time of tight budgets and shrinking expectations—individuals with positive visions have no outlets for their many talents.

I believe that this is very unfortunate, both for the individuals of vision and for the people of this country who benefit from the works that these ideas produce.

Mr. Speaker, BOB ROE is a valued Member of Congress and a good friend. I join with my colleagues in recognizing his many, many accomplishments on behalf of the people of his district, of New Jersey, and of the Nation.

I wish him all the best as he undertakes new and challenging enterprises that will engage his many talents in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman ROBERT ROE of the Eighth District of New Jersey for his 23 years of outstanding service in the House of Representatives.

BOB ROE has compiled an exemplary record of legislative accomplishments during his service in the Congress. From 1987 to 1990, he

served as chairman of the Science, Space, and Technology Committee, and since the latter part of 1990, he has served as chairman of the Public Works and Transportation Committee, previously having served as chairman of its influential Water Resources Subcommittee.

He was instrumental in securing passage of the only two major water power projects bills that have become law in recent times—the 1987 and 1977 bills. He has fought for infrastructure repairs and other much needed construction projects. He has given strong support to NASA, the private rocket industry, a manned space station, and the supercollider.

As he retires from a very productive career in Congress, I congratulate BOB ROE on his achievements and wish him success in his future endeavors.

Mr. SENSENBRENNER. Mr. Speaker, in this year of record congressional retirements, we must part company with many fine Members and I join my colleagues today in expressing thanks to Congressman MATTHEW RINALDO for his fine efforts during his 10 terms of service.

Too often partisan gridlock results in many stalled bills. MATT has been one Member who sought compromise to prevent this gridlock and succeeded in passing important legislation and necessary regulations. His work as ranking Republican on the Energy and Commerce Subcommittee on Telecommunications and Finance is evidence of this cooperative spirit.

MATT has proven himself a responsive legislator and Representative to the needs of the Nation and those of his constituency. He has served both well the past 20 years. His hard work and dedication to the honor of his House will be missed and I wish him well in whatever the future holds for him.

Mr. SAXTON. Mr. Speaker, the people of New Jersey will be poorer come the end of the 102d Congress, for they will be losing four Representatives who have done so much to help both their constituents and their State as a whole.

Congressmen FRANK GUARINI, BERNARD DWYER, ROBERT ROE, and MATTHEW RINALDO represent 66 years of experience serving New Jersey on Capitol Hill. And they have done it well. Each went about his job in a distinctly different way, but in each case, the results for New Jersey were the same.

FRANK GUARINI never was one to seek the spotlight. But, he proved his mettle to everyone who knows anything about government and the House of Representatives. FRANK was known as being his own man with his only allegiance being to the people he served. He has done an outstanding job of ensuring that New Jersey never received a poor deal in border disputes with New York. As a senior Member of the Ways and Means and Budget Committees, his wise counsel on economic issues will be sorely missed. His knowledge and commitment to the people he represents have made him a most effective public servant.

BERNARD DWYER is another Member who has spoken softly but carried a big reputation among his colleagues in Congress. President Reagan had enough respect for BERNIE's integrity and ability to appoint him as a leader of the team that monitored the crucial Philippine elections. BERNIE also has served on the Budget Committee as well as the important Appropriations Committee where he has been a key member of both the Defense and Energy and Water Subcommittees. I can tell you, this Member will miss his advice and assistance in those two vital areas.

The dean of the delegation, BOB ROE, was always ready with a helping hand for all of us. A perfect illustration of this cooperation came just recently. An emergency developed at the 11th hour related to a sewer project in one of my local communities. The prospects for help, so late in the session, were bleak.

However, I called BOB and asked for his help in getting the project authorized. He didn't hesitate in providing this assistance, and the funding has since been approved—the citizens of Ocean County, NJ, were the winners.

As dean of the New Jersey delegation, he helped all of New Jersey through his seniority in the House and his chairmanship of the Committee on Transportation and Public Works.

And last but not least, I would like to wish all the best to my good friend, MATT RINALDO. MATT showed his leadership ability every time it was necessary to hold the New Jersey Republican delegation together on tough decisions. And, as a high-ranking Member of the Energy and Commerce Committee, he helped keep America competitive with the rest of the world, especially in the telecommunications industry. However, while working to maintain America's competitiveness, he has kept the environment in mind. That is something that I personally appreciate very much.

Whatever MATT RINALDO has done for the country as a whole, he has always put the people back home first, "voting New Jersey" as he often said. That is an axiom all of us in the delegation should remember.

So, as this session draws to a close, so does an era for the New Jersey delegation. To the four we honor tonight, I say farewell and Godspeed to you one and all

Mr. SENSENBRENNER. Mr. Speaker, The people of New Jersey's 8th Congressional District and we here in the House take time to bid farewell to Congressman ROBERT ROE who is retiring when his present term expires. For 24 years he worked tirelessly and his record speaks of his dedication.

I had the privilege of working under his leadership during his tenure as Chairman of the Science, Space, and Technology Committee. BOB became Chairman just 1 month before the tragic explosion of the space shuttle *Challenger* and diligently oversaw the congressional investigation. He maintained his support for the shuttle program and was a tireless supporter of the role of science and technology in forging America's future.

In 1990, BOB took his leadership abilities to the Public Works Committee chairmanship and was successful in pushing forward the 1992 highway bill providing $150 billion for the Nation's infrastructure. His New Jersey district, still largely reliant upon manufacturing, has benefited from his hard work and has rewarded him with reelection 11 times. Those who know him have seen the energy and enthusiasm he poured into the efforts he found important. That type of service was often contagious and helped the enactment of important legislation.

I join my colleagues in wishing him well. I will miss his friendship and leadership and this House will miss his dedication and spirit.

Mr. BEVILL. Mr. Speaker, it is my honor to congratulate and offer my warmest best wishes to my good friend and colleague BOB ROE as he prepares to leave the Congress after serving the Eighth District of New Jersey for 23 years.

BOB is a highly respected Member of Congress, and as chairman of the Public Works and Transportation Committee, he has had an enormous impact on our Nation's transportation network. He has been very dedicated to improving these vital arteries and the entire Nation owes him a debt of gratitude. He authored the new highway bill last year and as a result, our Nation will be able to add to the Interstate Highway System.

He has also shepherded the authorization for a number of major public works projects over the years and has helped to create hundreds of thousands of new jobs nationwide.

I have certainly enjoyed a close working relationship with BOB over the years, especially when he served as chairman of the Subcommittee on Water Resources. It was in this role that he wrote the Water Resources Act of 1986 which authorized many of the water projects funded through my annual bill.

Over the years, BOB has had a deep and abiding interest in improving our Nation's infrastructure. He has recognized how important this is to making our economy tick.

His accomplishments will have a lasting impact on our Nation and his contributions will always be remembered.

I will miss having BOB here in the Congress and I certainly wish him all the best for a happy future.

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to my good friend and distinguished colleague BARNEY DWYER, who is leaving Congress after serving New Jersey's Sixth District for almost 12 years.

BARNEY has been an outstanding member of the House Appropriations Committee and I have certainly enjoyed working with him, especially on the Energy and Water Development Subcommittee. I appreciate his hard work and dedication. His district, his State and our Nation were well-served during BARNEY's tenure here in the Congress.

I have also been very impressed with BARNEY's active role on behalf of our Nation's senior citizens. He has helped promote additional housing for senior citizens and has fought to expedite benefits.

I am sorry to see BARNEY go. He has made a very fine record here in a very short time. I certainly wish him all the best in his future endeavors. He has been an excellent public servant.

Mr. PANETTA. Mr. Speaker, it is a pleasure to be able to pay tribute to the departing members of the New Jersey delegation. It is also with regret that I note their departure along with many other fine men and women of this body.

Let me begin with FRANK GUARINI. I have worked closely with FRANK over the past 4 years on the Budget Committee, and I want to say that FRANK took his responsibilities as a member of the committee very seriously. There is no question that FRANK GUARINI has

demonstrated his rare and strong commitment to reducing the Federal budget deficit. As chairman of the committee's task force on urgent fiscal issues, FRANK conducted hearings on unfunded Government liabilities, the decline of American manufacturing in the 1980's, funding for the Resolution Trust Corporation, and the Exxon Valdez oil spill, among other important issues of the day. He also acted to protect programs important to New Jersey and to the Nation, namely, community development block grants, urban development action grants, and funding for low-income housing. The people of New Jersey's 14th Congressional District can be proud of the service of FRANK GUARINI on their behalf. I salute FRANK on his accomplishments in the House, and I wish him all the best in his future endeavors.

BARNEY DWYER has served on the Budget Committee as well, and I have enjoyed his participation in the committee's deliberations each year. I would like to pay tribute to BARNEY's quiet, good-humored work behind the scenes on both the Budget Committee and on the Appropriations Committee, where he was successful in balancing budgetary concerns with fair and rational defense and energy and water appropriations requests. I appreciate all of BARNEY's hard work in the House on budget issues, and I know that he will enjoy his richly deserved retirement from the Congress.

BOB ROE is one of the hardest working Members of Congress I have known. He has put in the long hours day after day, month after month, year after year since 1969. And his is quality work. He earned his chairmanship of the Public Works and Transportation Committee by dint of his expertise, his integrity, and his diligence. I would like to pay tribute to BOB's example of the American work ethic here in the U.S. Congress at a time when it is easy for so many, who know not whereof they speak, to belittle the Congress' dedication. BOB ROE has lived for this institution, for his constituents, and for the causes for which he has fought. He has had a palpable impact on our Nation's science and technology programs, on our infrastructure, and on a myriad of other issues, and it is with respect and admiration that I honor him today. If anyone merits a retirement, it is BOB ROE, though I know that he will rarely rest for many years to come.

Finally, on the other side of the aisle, I would like to praise the record of MATT RINALDO, who is retiring as ranking Republican member of the Energy and Commerce Committee. MATT has proven to be a cooperative guardian of the Nation's public health and environment as well as a reliable champion of a government accountable to the people. He has been uniquely able to overcome partisan rancor in the pursuit of important policy goals. MATT has had a distinguished career, and as a fellow Member of Congress, I would say that it has been a pleasure to work with him. I wish him well in his new ventures.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in the New Jersey congressional delegation for this special order. It is particularly fitting that we are taking this opportunity to recognize the contributions of several of the members of our delegation—Congressman BOB ROE, Congressman BERNIE DWYER, and Congressman FRANK GUARINI.

It has been my pleasure to serve with BOB ROE ever since I came to Congress in 1973. He has been a tremendous leader in this institution, and his record of accomplishment is well known to every member in this House. As chairman of the House Committee on Science and Technology, and later as the chairman of the House Committee on Public Works and Transportation, he has distinguished himself as a fair, even handed member who has been deeply involved in the issues under his jurisdiction.

Just last year, he brought the surface transportation bill to the House floor, one of the most significant pieces of legislation in history to help revitalize the Nation's infrastructure. For those of us in New Jersey, he has served as the dean of the congressional delegation since the retirement of Pete Rodino. His loss is a tremendous blow to our State, but I want to join my colleagues in wishing him a fulfilling and rewarding retirement.

FRANK GUARINI has also been an esteemed colleague, a close friend, and a vital part of New Jersey's influence on Capitol Hill. As a member of the Ways and Means Committee, he has made his mark in a number of key areas, particularly on the Trade Subcommittee, and he has been an active and productive member of the House Select Committee on Narcotics and the House Committee on the Budget.

I first met FRANK when we served together in the New Jersey State Senate in the late 1960's. When he came to Washington he brought the same commitment to our State and to our region that has made him a distinguished public servant.

BERNIE DWYER is also a close friend. Our districts lie next door to each other, and I have been pleased to work with him on a wide range of issues. He has been an able member of the House Appropriations Committee, but before that he was the mayor of Edison, a member of the New Jersey State Senate, as well as a councilman in his home town.

The contributions these three individuals have made to our State, to their communities, and to the Congress are enormous. Among the three of them, we are losing 54 years of congressional experience. It will take our State a long time to regain that kind of expertise.

Most importantly, I will remember them as friends, as distinguished colleagues who were motivated by fairness and doing the best for their State. I will miss them and wish them all well in their future careers.

I also want to express a note of thanks to my colleagues for all their kind words on my behalf. Deciding not to seek re-election was a difficult decision, and one of the reasons it was difficult was because of my colleagues in the delegation, on both sides of the aisle. I will miss working with them, but I also hope our paths will continue to cross in the months and years ahead.

Mr. SMITH of Iowa. Mr. Speaker, I have been fortunate to have served with BARNEY DWYER during the years he has been in the House of Representatives and during these years to have served on two Appropriations Subcommittees that he served on.

I have been privileged to be chairman of the subcommittee which handles funding for the Commerce Department, Justice Department, State Department, the Judiciary, and 22 independent agencies. BARNEY was a member of that subcommittee for many years. BARNEY had a prior background in the business world and in the legislature in New Jersey and his knowledge was very valuable to the entire subcommittee. He was diligent in his work and very effective.

Among other things, BARNEY was a moving force in securing the authorization for a Seaton Hall legal clinic and he has also obtained the funding for a food center for low-income people. Those two examples show his great compassion for those less fortunate. He was also concerned that those who are in the mainstream be able to earn the money to bring in the revenues needed to fund government. Without reservation I can say that BARNEY has been a very valuable member of that subcommittee. He also served with me on the Health and Human Services—Education and Labor Subcommittee.

Those subcommittees hear from hundreds of witnesses each year and BARNEY could always be depended on to be present at the meetings and help the committee analyze all the evidence presented.

BARNEY decided not to run for re-election and his absence will certainly result in a great loss to the Appropriations Committee, the institution and the country.

Mr. SMITH of Iowa. Mr. Speaker, I am pleased to have an opportunity to say a brief word about ROBERT ROE. I won't repeat all the many things that were said but I wish to add to those who mention the fact he was one of the hardest working and most effective Members of Congress. He concentrated largely upon matters under the jurisdiction of the Public Works Committee and the Committee on Science and Technology, both of which he became chairman. When he brought a bill to the floor he knew every provision in the bill and could discuss thoroughly and defend it. He believes in building our infrastructure and in the kind of long-term investments in science and technology needed to make this country competitive in the present global economy. In this respect he was far ahead of many of the people in this country. In this present political campaign for President, for the first time both of the major candidates have acknowledged or supported doing more research in those areas where it will help us become more competitive in producing consumer goods for the world market.

He was a major force in forging and passing the highway bill that emerged from the present Congress which, if funded, will create more jobs than any other single bill that we have passed in this Congress, and at a time when it is badly needed, and with an end product which will permanently enable this country to provide a better standard of living for all of our citizens.

BOB ROE deserves our lasting thanks for the hard work he did and he will be missed and his understandable decision not to run for re-election will result in a loss for all of us.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BERNARD DWYER, who will be retiring from the Congress at the end of the year. BERNARD DWYER has served this Nation with distinction as a Member of this body for 12 years.

BERNARD DWYER has been an outstanding Representative of the Sixth District and the State of New Jersey. Through his work on the Appropriations Committee, he has helped to ensure that his State and our region of the country has received a fair return on its tax dollar investment.

The gentleman from New Jersey has been a good friend to the working man and woman. As one who shares the philosophy that Government should look out for the little guy, I salute BERNARD DWYER for his efforts over the years. His leadership on a number of labor issues will certainly be missed during the next Congress.

My wife, Nancy, joins me in extending our best wishes to BERNARD DWYER and his family. We wish him the best of luck in all of his future endeavors.

Mr. HORTON. Mr. Speaker, I want to pay tribute to MATT RINALDO, who will be retiring from the Congress at the end of the year. MATT RINALDO, has served this Nation with distinction as a Member of this body for 20 years.

MATT RINALDO is a Member who prefers achieving legislative goals to partisan victories. As one who shares that philosophy, I have always had a tremendous amount of respect for MATT. The essence of the Congress is for Members of different views to come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. MATT RINALDO epitomizes that philosophy.

MATT also has earned my respect over the years for his support for the working man and woman. As one who shares his belief that Government needs to look out for the little guy, I am saddened by his decision to leave the House. His presence will be missed in our wing of the party and by the House as a whole.

My wife, Nancy, joins me in extending our best wishes to MATT RINALDO. We wish him the best of luck in all of his future endeavors.

Mr. MINETA. Mr. Speaker, I would like to take this opportunity to recognize a Member who has devoted his entire life to public service, ROBERT A. ROE.

I think it's safe to say that no one in this House works harder than BOB ROE. He is totally dedicated to improving the quality of life for all Americans.

BOB ROE's tireless efforts ensured that the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the most important legislation of this Congress, became a reality.

He put in more hours last year than anyone—sometimes even working around the clock to complete what truly is landmark legislation. And anyone who has worked with BOB knows that he takes the saying, "blood, sweat, and tears," quite literally.

The ISTEA legislation is just one example of his achievements. He was a principle architect of the Superfund Program, and he's responsible for putting the Water Resources Program on a 2-year cycle.

In whatever he does, he is truly visionary. While most people think of infrastructure as potholes, BOB ROE thinks in terms of global economy, productivity, energy efficiency, and resource investment.

The distinguished chairman of the Committee on Public Works and Transportation, and dean of the New Jersey delegation, was first elected to the U.S. House of Representatives to fill an unexpired term of office in a special election in 1969, and has been re-elected to each succeeding Congress.

Before assuming the chairmanship at Public Works in 1991, Congressman ROE was chairman of the Science, Space, and Technology Committee for 4 years. He played a major leadership role in returning the United States to space in 1988 with the successful launch of the space shuttle *Discovery*.

Under his guidance, the Science Committee passed legislation dealing with such important issues as the superconducting super collider, U.S. technological competitiveness, fusion development, and the modernization of U.S. university research facilities.

Prior to being elected to Congress, Chairman ROE already had a long and distinguished career in public service. He served in the Governor's cabinet as State of New Jersey Commissioner of Conservation and Economic Development. In local government he was director of the Board of Chosen Freeholders of Passaic County, NJ, and the mayor of Wayne, NJ.

BOB ROE has been an outstanding leader, a dedicated policymaker and a good friend.

Mr. Speaker, there is a saying that "one man can make a difference." When that one man is BOB ROE, truer words were never spoken. When he leaves this House, not only will he be missed by this distinguished body, but by the Nation as well.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Congressman MATT RINALDO of New Jersey's Seventh District and Congressman FRANK GUARINI of New Jersey's 14th District. Both the Congress and the Nation will miss their conscientious and skilled representation.

As ranking Republican on the Commerce Telecommunications and Finance Subcommittee, Congressman RINALDO has worked to strengthen the Securities and Exchange Commission rules and for increased enforcement and stronger penalties for those who trade on inside information. He worked to overturn the veto on the Family and Medical Leave Act and to re-regulate some of the cable television industry.

As a former tax lawyer, Congressman GUARINI was tapped to work on the Ways and Means and Budget Committees. He has worked on trade and tax issues, aiding small business and introducing legislation against unfair trade practices. He has supported free trade, but denounced Japan's negative response to changing trade barriers and procurement practices.

I have had the privilege of working with both of these talented legislators, and I have enjoyed their camaraderie in the House and socially at Italian-American functions. As a colleague, I will miss their intelligence, dedication and friendship. I offer them my best wishes for success with their future plans.

Mr. HUGHES of New Jersey. Mr. Speaker, in concluding, let me just say as we salute these four great native sons of New Jersey and distinguished Americans, BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI, that we are going to miss them, but we wish them every success, good health, and Godspeed in the years ahead.

Again, let me thank our colleague, the gentleman from California, BOB DORNAN, for deferring to us so we could move this special order ahead.

DUTY, HONOR, COUNTRY

The SPEAKER pro tempore (Mr. BROSKI). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I am pleased to see that I am the last special order tonight, and I am not going to hold up any of my distinguished colleagues.

My subject tonight is duty, honor, and country. Obviously, that means serving one's country in any way one can, at least at some point in their life, and duty applies to a good woman, a good man, at all stages of their lives. My emphasis tonight will be particularly on the word "honor," and honor as it pertains to this presidential election.

I had no idea when I began to speak out on the 216th anniversary of the death of a courageous young Army captain at only 21 years of age, serving as an intelligence officer behind the lines of the Father of our Country, George Washington, that young Connecticut citizen was Nathan Hale. Whenever I come to work in the world's most beautiful office building and drive up Constitution Avenue, I try always when driving due east to divert my eyes in front of the Justice Department to a statue that should be more prominently displayed in this city. It is the statue of young Capt. Nathan Hale, hands tied with rope behind his back, at that moment right before his death when he had just been denied a Bible by a British officer who asked him if he had any last requests. It was denied.

Then the British officer said, "Do you have any last words? You are a traitor to the Crown." And young Nathan Hale, who, like Mr. Clinton, matriculated at Yale—I think to get a teaching credential in the 1770's—he said, "My only regret is that I have but one life to give for my country." That was, to me, the epitome of honor and selflessness. That is why I started this series of special orders, of which tonight is No. 5.

My dad went to a short course in World War I at West Point. He had been born just a brief mile away in Newburgh, NY, the son of a man who had been born in Ireland, Liam Dornan. My grandfather, William, or Liam, had come here in 1852, at 4 years of age. My dad was proud to go to West Point. He had dreamed as a young boy of going there for all 4 years. When World War I started, they shortened the senior class down to immediate graduation at

whatever point they were at; juniors were made seniors, and they brought my dad in for a very short course there before he went to the Rock Island Arsenal.

He was commissioned a first lieutenant because he was older than most of the young men. He was already 26 in 1918, never served as a second lieutenant, and after Rock Island Arsenal, IL, went off to the trenches of World War I.

I was raised on that "Duty, Honor, Country." My dad had hoped that one of his three sons would go to West Point. I had on my bedroom wall that gray banner with the shield and the roman helmet of West Point on it, with the words, "Duty, Honor, Country."

When we entered the Second World War, my mother and father both were great fans of Douglas MacArthur. Douglas MacArthur had risen so high, so fast in the U.S. Army, the son of the Medal of Honor winner, that he was retired at an early age in 1936 with nothing else to do, and eventually was made the Governor of the Military Protectorate of the Philippines. Of course, World War II brought him back to new heights of glory, one of our only eight five-star generals or admirals.

General MacArthur at one point had taken a leave from the Army to be the commander of the U.S. Olympic Team going to Holland in 1928. My dad was an assistant boxing coach, my mother went on that trip, and they both came to think the absolute world of Douglas MacArthur. So over my small little personal dresser next to my bed, I shared a room with my older brother, there was a picture that my mother put up of Gen. Douglas MacArthur.

Under his picture, and there was also a little bank for war bonds with a cutout of General MacArthur, in that famous crushed garrison hat with the discolored scrambled egg on it and a simple khaki uniform, an open collar, and it said under it, "Duty, Honor, Country." My dad used to regale my two brothers and I with what he called cadet memory from that short time of accelerated training at West Point. I remember one of them was, "Discipline is that faculty of the body whereby the muscles respond to the given word of command irrespective of frame of mind," and he used to say, "That is what I want from you guys." We never adhered to that to the letter of the law.

My hero father, three wound chevrons in World War I, two for poison gas, what we now call Purple Hearts, he always emphasized the words of Polonious in Hamlet, "To thine own self be true;" that in your heart, if you dog it, which was an expression of my dad's, if you dog it, if you let somebody else do what you know you should have done, it will haunt you for the rest of your life. Always do the honorable thing.

Here is an excerpt from the cadet prayer of the Corps of Cadets at the U.S. Military Academy: "Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won."

Most of my remarks about Governor Clinton tonight will involve half truths, and some flat out distortions of the truth and deceit about public record. I have enough material here to probably carry me through 3 more special hours.

□ 2140

Mr. Speaker, for those men and women of all ages that there may be an audience over a million now in all 50 States, Puerto Rico, as far away as Guam, and through the services of all of our cable owners across the country who provide the TV coverage of the other Chamber, the U.S. Senate, and the TV coverage of this Chamber, I would hope, Mr. Speaker, that they would stay with me here because I am going to engage in a dialog tonight, not just a monolog. And the dialog will be with a Member that is a particular honor for me to serve with, and that is my colleague from southern California, down in beautiful San Diego, RANDALL CUNNINGHAM, flying call sign of Duke, the first ace of the Vietnam war. He was the only Navy ace, joined a few months later by only one Air Force ace, my good friend, then captain, now active Reserve Col. Steve Ritchie.

I want to engage in a dialog because I am a peacetime warrior, trained for combat, combat-ready, never called upon by my country or God to go in harm's way, except as a journalist, and I managed to scrounge a lot of combat missions on an old Bolex camera and an old Nikkon camera that my older brother gave me. But when you wear a uniform in combat, you have earned a special right in the history of our country. If you have shed blood or put your body, your flesh in the line of hot shrapnel, bullets, and in the case of Vietnam, SAM missiles and the most dangerous aerial combat environment in the history of aerial warfare since the small airspace over the trenches of World War I.

Before I get into a dialog here with DUKE, I want to mention some things that have come to my mind over the past few months, because I know that they are watching down in Little Rock, Mr. Speaker, and that Betsy Wright and Dee-Dee Meyers, and even maybe the Governor of Arkansas, have taken note of these special orders. I know one of them down there has questioned my sanity. That would be George Stephanopolus. And I know they are upset, but they are going to have to understand that some Americans, I think most Americans feel particularly keen about honor, and honor as it applies to the Presidency of the United States.

My special order finished last night about 12:30 or 1 o'clock east coast time, and I arrived home very late. I had not been home in 5 days because I came straight in on the red-eye last night, with 2 hours of sleep, and I managed, because of the active day with about 12 votes, to still not even catch a Churchill nap. So I was a little ragged at the end of the day.

When I got home, two of our eight grandchildren are living there with me, here was the next to the youngest of the eight, Haley, Haley Dornan, and she had a little book in her hand. And she came and hugged one of my legs, and I lifted her up, and I said, "Hi, Haley." And there is Robert Kenneth Owen Dornan III, and Robbie, I give him a hug, and I say, "What's that little book in your hands?"

This sounds too corny to be true, Mr. Speaker, but it is the gospel truth. "What have you got there, Haley?" I recognized something in her hand, and she says, "It's my Presidents."

And I said what, and then I noticed the cover, "The Presidents of the United States." And I said, "Where did you get that?"

My son has built me a library of about 3,000 books on the ground floor of what was the basement of the home where I live here in Virginia, the other home being in Garden Grove, CA. And I picked up this little book and it flashed right away that I had carried this for a long time in the early 1960's. I had gotten it shortly after the assassination of President Kennedy, and this book stops at a Navy lieutenant commander, Lyndon Baines Johnson, our 36th President.

I went to the front of this book and sure enough, there was the copyright, early 1964. And I read this little book. It only hits the very salient points about our Presidents, just one little tiny page each. And it is good to go through and reflect on these men, some of them rather normal, ordinary men that were propelled into the office by a tragic assassination, or in the case of the shortest Presidency which lasted 30 days, a real war hero, William Henry Harrison, who insisted, as our oldest President sworn in at 68 that he walk the entire course or ride on horseback the entire course without hat or coat of the inaugural parade before his speech. They gave the speech at the end of the parade, and he spoke for hours in the rain and died of pneumonia 30 days later. So that was the Tippecanoe and his Tyler too, John Tyler who did not know he was going to be President, probably, and just served out actually a full Presidential term minus 1 month.

But you look at all of the men that wore the uniform proudly here, and I think of misstatements of history by Bill Clinton that I would like to straighten out right now.

First of all, Bill Clinton said that Ronald Reagan had never worn the uniform of his Nation. But he did concede

that he was a great Commander in Chief. Well that is wrong. I wrote to the Reagan library, or actually phoned them today. I knew that the President had been in the cavalry from the Army Reserve, and I think that he had served in the Army Air Corps, and then in the Army Air Force as it changed its name in late 1942, and that he had made many training films. My cousin, Jack Haley, Jr., has done many documentaries where he has used with great effect pictures of a young, handsome Ronald Reagan in his thirties, making training films.

Now some people during President Reagan's Presidency, because he made as striking figure as a young officer, as he did as a President, they resented him popping that salute as he would come off of Air Force One, or Marine One, one of the 14 helicopters flown by fine young Marine officers and crewed by enlisted men that a President gets. The other day I was up at Sikorski and I got ill thinking about Clinton having 14 Marine helicopters at his disposal, in addition to all of the Air Force jets our at Andrews Air Force Base.

Now, here is the first thing that I would like to straighten out. Ronald Reagan joined the Army Reserve in 1937. Now most people finally started tracking his birthday as this remarkably handsome American and healthy specimen of manhood hit 80, and that was last year where he celebrated his 81st birthday this year on February 6. It is easy to recall his birthday. I did not have to look it up, February 6, 1911, and that makes it pretty easy when it comes to Pearl Harbor, 1911, 1941. He had turned 30 a year ago on February 6, 1944, and Ronald Reagan was 31 years of age. He had joined the Army Reserve and the cavalry in 1937 as a private. He worked his way up through the ranks, and I have a picture at home of him, vintage probably 1939 or 1940 as a captain in the cavalry in the Reserve.

Now, by the time he asked to serve as a combat-trained officer and transferred to the Army Air Corps he was 31½, he was married, had an adopted son, Michael, and a friend of both DUKE's and mine, my friend Maureen Reagan, who cohosted a show with me at one time.

Now our country was not in such dire straits in World War II that we had to draft fathers with two children, although sometimes that happened by mistake. And generally when it happened, that new father of one or two would go, even if the draftboard made a mistake. And many of them served honorably for 3½ years, and sometimes they died on the battlefield, and they are buried in the U.S. cemeteries in the Philippines, in the Punch Bowl in Hawaii, on the bluffs overlooking Normandy. Remember, there are 22 sets of brothers at Normandy, several fathers and sons, and several sets of twins buried on those bluffs over Omaha and Utah Beach.

Now, the other mistake that Mr. Clinton made was about another military hero, Abraham Lincoln.

Here is Abraham Lincoln's story, Mr. Speaker, for the edification of those down in Little Rock that would propel a draft dodger into the seat of the Commander in Chief.

I read from a book that I got from the Library of Congress today, "Abraham Lincoln, a Biography" by Benjamin Platt Thomas, and until a recent spate of excellent Lincoln biographies in the last two decades, many of them prizewinners, this was pretty well a standard text. This goes way back.

Hardly had Lincoln arrived home when New Salem throbbed with new excitement. The village stood on the northern fringe of settlement. Beyond it—

And a little of the writing here is archaic—

except for scattered cabins here and there, the only settlements were at Peoria—

And imagine BOB MICHEL's hometown on the edge of the frontier with a few homes—

Dixon's Ferry on Rock River and the Galena lead-mining region along the Mississippi where the great city of Chicago would rise; a few cabins were clustered around Fort Dearborn. Most of northern Illinois was trackless woods or prairie still roamed—

And I apologize to our great first Americans, native American Indians, it says—

by treacherous Indians.

A fairer description would be Indians who loved the land upon which they had been raised and felt it was theirs.

Next paragraph, for Mr. Clinton:

Now real trouble threatened, for Black Hawk—

And that is a man's name—

war leader of the Sauks and Foxes, dissatisfied with lands allotted to him west of the Mississippi, and recrossed the river with 500 braves. They came ostensibly to plant corn, but they were all well mounted—

Horseback—

and well-armed, and a detachment of U.S. regulars at Fort Armstrong watched them suspiciously. Panic spread over the frontier until, at last, some nervous shooting brought savage flashing war. Governor John Reynolds immediately called for volunteers from the State militia, a loose organization embracing all males between 18 and 45 except conscientious objectors and those physically unfit.

You see, our great country, with its religious heritage, its Judeo-Christian heritage, has always honored conscientious objectors, but conscientious objectors always understood that you could not run to be President of the United States and ask other men to go in harm's way and possibly die for their flag and their country if you were not willing to risk your own life.

So this is, as I described in the first night of my special orders, this is Mr. Clinton's catch-22. If he was honorable about his antiwar objections, possibly pro-Hanoi sympathies, he knew it would cost him his political viability, although he would have maintained his honor, and I think he chose the dishonorable course of dissembling, half-truths, and worse.

"Also those physically unfit—"

And no one who was ever legitimately 4-F would ever feel bad about not being able to go into the military. The prayer of all of my youth, and I was a fiend about eating carrots, because I wanted to be a fighter pilot since the Battle of Britain when I was 7 years of age, looking at newsreels in the Trans-Lux theater in Columbus Circle in New York City on Manhattan Island; I wanted to be a fighter pilot, and to realize the dream, I used to go to bed every night praying, "Please, God, let me stay healthy and strong and keep my eyes well and 20/10."

The men of Illinois supplied their own arms.

Notice, they all had arms, and the second amendment still meant something those many decades after the signing of the Bill of Rights, and this is interesting: they elected their own officers.

When the Governor's messenger came spurring down Main Street of New Salem, a jump forward, Lincoln enlisted at once. Borrowing a horse, he hastened to the rendezvous at Richland Creek, nine miles northwest of New Salem. His company consisted mainly of his friends and neighbors with the Clary's Grove boys, Irish, the Clary's boys prominent in voice and numbers. Their support elected Lincoln captain, with Jack Armstrong as first sergeant.

"DUKE" that is where Jack Armstrong, the All-American Boy, came from. He was Capt. Abe Lincoln's first sergeant. Jack Armstrong. My brother married Shirley Armstrong. What a great name. The first man on the Moon in space an Armstrong.

Even after Lincoln's nomination for the Presidency—

And now listen to this, Bill Clinton, wherever you are, Mr. Speaker, listen to this—

he remembered this as the most satisfying honor of his life.

I skip forward to the paragraph where, unlike "DUKE" here, Lincoln is like me, trained for combat, God is good to him. Lincoln spent the last days of his enlistment, and it was 80 days, in a futile search for Mr. Black Hawk and his warriors in the swamps around Lake Koshkonong in southern Wisconsin. For that service, Abraham Lincoln received 125 bucks.

History: Ronald Reagan, Abraham Lincoln, and the third one that Mr. Clinton said had not served his country was Franklin Delano Roosevelt.

I had no idea that he was a Secretary of the Navy for 9 years, Assistant Secretary from 1911 to 1920, all through the buildup to World War I, the sinking of the *Lusitania* off the southern coast of Ireland in May 1916, 128 Americans died in that, and Assistant Secretary of the

Navy Mr. Roosevelt was there all the way up through 1920 when Woodrow Wilson left office.

Keep in mind that he contracted polio a year later in 1921 and was certainly one of the most qualified men ever to attain the Presidency as far as knowledge of the U.S. Navy was concerned.

Mr. Speaker, I understand, in reading about him, that he could name every single ship of the line by name and tell you its tonnage, kind of a counterpoint to the man of his epic period of history, Winston Churchill, who could not only name you every ship of the line and their tonnage but the skipper of every ship who was serving on it on the bridge at that time and probably tell you the horsepower of the engines, coal-burning or steam, or whatever, in every British man-of-war on the high seas.

These men were unusual men, and they brought such honor and dignity to the office that it boggles my mind that in this book of Presidents, updated to include the 42d President, which I had hoped to see sworn in in 1997, that we would see a man added to this who, although he reads mystery novels, works crossword puzzles and, according to P.J. O'Rourke, bites his nails but not to the quick, that that man would know more about history, would have a better knowledge of history than to write off a Secretary of the Navy, Capt. Ronald Reagan or elected captain, company commander of the Illinois militia, Abraham Lincoln.

Now, Mr. Speaker, I just would like to go through some thoughts I have had over the last few days about American heroes, and I am going to insert a few in the special order I do tomorrow night, Saturday night if we are in session, Sunday night if we are in session.

Ted Williams: tomorrow I will give all of the baseball statistics of Ted Williams, his years of play, this champion athlete, a member of the Hall of Fame of all American baseball players who gave up his best years. And he is still one of the top 10 sluggers of all time who gave up his best years playing for the Boston Red Sox and went through naval pilot training, came back, played, and got activated during the Korean war.

My instructor in pilot training in Texas in 1954 in jets was Bob Cook, shot down one Mig in Korea, a modest man, took us 4 months of training and one or two beers to dig that story out of Bob.

Do you know what he wanted to talk about rather than his own victory over a Soviet-built Mig-15 over the Yalu River? He wanted to tell us, the four young cadets at his training table, about the greatest day of his life, and it was when a klaxon horn went off, sirens went off, and Ted Williams, one of America's great athletes, was coming in with a shotup F-9F Navy Panther and was going to belly in on an Air Force base at, I think it was, Kimpo, K-16, something like that, and he said every single man, every Army, Air Force nurse, everybody on this base turned out and lined both sides of the runway, obviously a good deal back from the runway in case the accident went bad or even fatal, and here comes one of America's great athletes, I believe the most beautiful slugger right up there maybe a tie between he and Joe DiMaggio, and Babe Ruth cut his own figure, but I believe when Ted Williams came up to the plate and hit a ball, that it was sheer poetry to watch him.

□ 2200

And here comes Ted Williams, so big in frame that he had to be kind of shoehorned into the cockpit of a Navy Panther jet. Here he comes in on a final approach, streaming fuel and smoke and the Air Force, I think, had foamed the runway. He brings this airplane in on its belly, greases it in, as they say, skids to a sliding ground loop.

Lt. Bob Cook, my instructor, says that was my greatest day in the Air Force to watch my favorite baseball player grease one in and defy death.

After a full tour with dozens of bombing missions, Ted Williams came back and continued one of our Nation's most brilliant baseball careers. Why didn't Bill Clinton think about Ted Williams instead of, who knows what, when he wrote about political liability?

At the convention last month I had the honor of being asked to sit in the Presidential box during some of the speeches. And it was a particularly nice night. I had my son, Mark, with me. My friend, Jack Kemp, was introduced by a very special person. He was introduced by Roger Staubach. Roger Staubach of Annapolis, of Vietnam and of the Dallas Cowboys in their very best years.

Roger, after he finished introducing Jack—and a beautiful introduction it was, from one quarterback to another—he came down around and back up and sat next to me in the Presidential box. I had fun introducing him to my son Mark. Then I gently harangued and begged him to run for the U.S. Senate from Texas. He did not say "no," for any Texans watching this proceeding.

But as I sat there, I looked at this quality American, this great quarterback, and I thought when he left Annapolis as one of its record-breaking football heroes, he took his full Navy tour as a young officer and, I believe, spent more than a year of his duty in the combat area of Southeast Asia, in Vietnam. I will have his statistics not only as a college star athlete, All-American, but as a top NFL quarterback for the Cowboys. But more importantly, I want to put into the record his military career where he put duty, honor, and country ahead of going into the record books with even astronomically higher numbers because of his youngest, toughest years as an athlete being given to his country just like Ted Williams.

Mr. Speaker, it occurred to me the other day that every President is entitled to be buried at Arlington Cemetery. If a draft dodger ever in a confusing time in our history, in a recession period, in a period when all the Democratic leaders in both Congresses and all the Governors at large, of the largest States, States more difficult to govern and manage, they all step aside out of deference to a President's high numbers of public approval, and an unknown person achieves a nomination and is a draft dodger and goes on to achieve the Presidency, that person has the option to be buried at Arlington.

I cannot conceive of someone buried at Arlington who was a scheming draft dodger and being buried among the young draftees who allowed themselves to be drafted, who did not flee to Scandinavia or to England or Canada or anywhere around the world, who did not claim to be homosexual when they were not, who did not claim to be weak or physically with a bad knee or even goes so far as to cut off a finger—which was known to happen—or pull out teeth—which was known to happen—but just said, "All right, I don't know what is going on over there. I don't know why we could crush Hitler in 3 years and 5 months, and 99 days later crush Japan and not be able to wrap up Vietnam in 1, 2, 3, 4, 5, 7 years," when our prisoners were held twice as long as the marines captured at Wake Island or the men captured in North China. How could this happen that this war could not be won? These young farm kids, sons of African-Americans, sons of Hispanic-Americans, sons of military families, sons of conservative families. In my family, that would have been a double hit, military and conservative philosophy on honor, guidance of the sons. My mother once said, "If any of you three sons ever dodge the draft, don't darken my door again."

Does that sound overly romantic, impossible for a mother to say that? Well, if a mother believes that Jimmy Doolittle, Douglas MacArthur, Ike Eisenhower are heroes for young Americans, yes, a mother would be likely to say that during the Korean war years, which Mickey McFadden Dornan truthfully said.

So I think of Arlington, and I think of heroes. In Mr. Clinton's case, since someone took his place when he graduated from Georgetown in the early spring of 1968, since someone took his place in the early spring of 1969, since someone took his place in the late spring of 1969, and since someone took

his place when he deceived Colonel Holmes in August 1969, then any one of those four young men, probably farm kids from the suburbs or rural areas around Hot Springs could be on that Vietnam wall as someone who, as Lincoln said at Gettysburg, gave the full measure of devotion. And that man might be buried in Arlington.

Would a draft dodger have the moral authority, I ask all of my fellow countrymen, would a draft dodger, as Commander in Chief, have the moral authority on Memorial Day, on Veterans Day, to lay a wreath at the Tomb of the Unknown? It is now an unknown soldier, in state there, for World War I, World War II, Korea. I went to the ceremony where there were very tiny remains because we identified all but this one in Vietnam, the remains of finally an unknown soldier probably from the Laotian theater, where remains were not easily retrieved. When they were, very few pieces of bones were left.

Could a draft dodger do that in conscience, lay a wreath at the Tomb of the Unknown in Arlington? I hope not.

Back to D-day, I remember telling Vice President George Bush that I was looking forward to being with him on the memorial across the midships of the U.S.S. *Arizona*, as I mentioned earlier. I was lucky enough to be there with three Congressional Medal of Honor winners, John Flynn, young petty officer who went out right in the middle of the airfield at Barbers Point, took out his 45 and started firing at the Japanese airplanes and then set up a machine gun and is credited with not only shooting one down but organizing the whole defense on those two Japanese raids that morning.

We were there with the young ensign, boiler officer down in the guts of the U.S.S. *Nevada*, who actually got it up to speed, which was, in the textbook, impossible, and set sail until it beached itself at Hospital Point so it could not be sunk, as the Japanese were trying to pound the living hell out of the U.S.S. *Nevada*, to catch it in the channel in Pearl Harbor and sink it, bottling up all of our ships. Our colleague, BARNEY DWYER, who is retiring, the gentleman from New Jersey, with his crew, was beating a path out that very channel to get out to the sea to face the entire Japanese invasion fleet.

I said to President Bush that day, "Remember we talked about this, Mr. President? Four years ago, that we would be on the deck of the *Arizona* and you would be President of the United States?" And I said, see you at Midway, Coral Sea, maybe North Africa for Operation Torch, which is coming up November 8. I reminded him years ago we would be together at Normandy for the 50th anniversary. I also told him we would be in the Bahamas for the 500th anniversary of the arrival of the Admiral of the ocean seas, with his great imagination, determination, and eccentricity, Christopher Columbus. He did not go by that name. He was known as Cristobal Colombe.

The President will be busy campaigning somewhere in the United States, so he will miss that anniversary in exactly 11 days on the 12th of this month. But if the President cannot close that gap, he will not be there at the 50th anniversary of the D-day invasion. He will instead be watching it on television.

I am going to be there, come hell or high water, God willing. But I do not want to see a draft dodger pretending he is Ronald Reagan at the 45th, or the 40th anniversary, I mean. I do not want to see in 1994 a draft dodger walking among those graves and trying to recapture the eloquence of Air Force Lt. Ronald Reagan with Nancy Reagan at his side, choking up the world, at least his Nation and himself, talking about those heroes, standing among the crosses of those 22 pairs of brothers, sets of fathers and sons and twins that gave their life on Omaha and Utah and in the dead of night, before the light of dawn, those paratroopers of the 82d and 101st Airborne landing in pitch black darkness, coming down, stuck in the trees at Sainte Mere-Eglise.

John Steele hanging from a church steeple, pretending to be dead, the heel blown off of his combat boot.

□ 2210

I took my daughter, Kathleen, there a few years ago. We walked around Sainte-Mere-Eglise, and I am trying to create word pictures of what took place there. We go into a small barn that says, "John Steel Bar."

I find a lovely French lady, and I said, "Did you know John Steel?"

"Oh, yes, he has been back for some reunions."

My daughter is pretty good at French. She is trying to talk to her. She is speaking in broken English, and she says, "Let me show you something." She goes out on the cobblestone street and she begins to cry. She says, "One young American paratrooper was laying right here, dead, a handsome young boy; another one here, another one here. Somewhere in the trees there, shot dead."

And I could see she was reliving this whole thing.

Now, I do not want a draft dodger to relive that.

You know what we have here, Mr. Speaker? You may not know this. See Chris Heil down here? He hit the beaches at Normandy as an engineer. That is kind of like one of these military problems. They say, "Look, it's kind of tough to hit the beach at dawn with all these tank traps and mines. So why don't we take a few engineers and have them go in first and clear the beaches?"

I never have been able to understand the courage that it takes to hit the beach and clear the land mines in the dead of night and blow up some tank traps and cut some barbed wire so that it will make it easier for other kinds your own age to come in after you in those first few waves of the invasion.

I have said it every night. President Dwight Eisenhower, then Four-Star General Eisenhower, Supreme Commander of SHAFE, said, maybe he had his fifth star by them. I think he did.

He said, "Let's play the Lord's Prayer over all the public address systems of the 5,000 ships."

And I say again today, that would be politically incorrect.

You know, on the hoof of the next President, alive, well, and rummaging around and torturing people to death in the case of Saddam Hussein, is the other dictator, Mu'ammar Qadhafi. President Reagan rattled his cage effectively, with the large loss of two F-111 pilots, Paul Lawrence, Fernando Rivas-Dominich, known to his fellow pilots at Lakeland Heath, England, as Fernando, they gave their lives on their first and only combat mission, because they were teenagers when the war ended in Vietnam, but they were mature men in their late twenties or early thirties when President Reagan ordered them to hit the terrorist training camps in Libya in the night of April 14 and 15 in 1986.

Rafsanjani, screwy in Iran, dangerous countries around the world.

When I read Mr. Clinton's letter to the heroic survivor of the Bataan Death March in 3½ years, the hellish Japanese imprisonment, when I read Clinton's letter to Colonel Holmes, Commandant of the ROTC at Arkansas, I literally get sick at the thought of him as commander in chief.

I have got that letter here. I just was reading it again. Tonight, I am going to ask permission to put it in the RECORD at this point.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

(The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:)

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the

salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however, dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

Listen to these opening paragraphs again, Mr. Speaker, in retrospect. Listen to these opening lines, letter from Bill Clinton, man of 23, although he called himself a boy, on Lincoln's birthday this year on a show dedicated totally to him and this phony letter by Ted Koppel, after Rick Kaplan of ABC, producer of "Prime Time," former producer of "Nightline," had asked his friend, Koppel, to put Clinton on alone and had given Clinton the letter after Holmes gave it to ABC and the Wall Street Journal for their use to break this story, to block Clinton. They gave it to Clinton to digest for 3 days and come up with these twisted, devious stories to explain it away, and then let Clinton give it out on Wednesday morning so that it looked to the press, or at least they could cover it up this way, that he himself had come forward with this letter.

Here is the opening:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month—

this is 4 months after they met—

and from now on you will,

he never wrote to him again—

but I have had to have some time to think about this first letter. Almost daily since my return to England I have though about writing, about what I want to and ought to say

That is in-between all the demonstrations. He ditched every class, never got his degree at Oxford, took the money and did not do the work that whole second year as a so-called Rhodes scholar; which by the way, you do not win on academic merit. It is a mentoring system. Mentors recommend you to go to Europe as a Rhodes scholar.

I will say that all the Senators, I think there are five of them, completed and got their Oxford degrees, as our colleague from Maryland [Mr. MCMILLEN] who while playing professional basketball labored for 4 years to pass his exams and get his Oxford degree and then years later they send you a courtesy master's degree for life lived.

The other one that did not has the best Rhodes record of all, LARRY PRESSLER, left at the end of his first year to serve in combat as an Army lieutenant in Vietnam.

Only Clinton of anyone sitting in either Chamber or any Governor in the United States dumped out, and he blames it on Vietnam.

He continues in the letter:

First, I want to thank you, not just for saving me from the draft—

Colonel Holmes hates that line. He mentions it in his letter that I will put in the RECORD again, so that tonight's special order will be pretty comprehensive in having both these letters in, and again they will not have to send for the RECORDS of the 23d and the 25th and the 25th over the RECORDS of August 5 or July 27 when I started putting these records in.

Memorandum for Record, September 7, 1992.
Subject: Bill Clinton and the University of Arkansas ROTC Program.

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese

POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first-hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * * When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me now a man that was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

Clinton continues:

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been.

Really, Billy, was it really that tough to wear the uniform of your country when you had 4 years in college and a fifth year at Oxford? You could have written your ticket as an officer, although as I said last night, he flunked his Air Force officer's physical and his Navy officer's physical.

When I was as low as I have ever been. One thing which made the bond we struck in good faith—

He is claiming he bonded with this Bataan Death March survivor.

One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual—

In other words, he is assuming that Colonel Holmes did admire him, that there was mutual admiration, and he concedes:

it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Mr. Speaker, I have already submitted the whole letter.

You know, what is amazing here is Clinton realizes that if he had leveled with Colonel Holmes in the man's own living room, that he had been organizing demonstrations against his Nation in a foreign country, that he damn well would not have been fit as an officer.

What Colonel Holmes does with his letter of last month, September 7, 1992, he says:

If I had known what he had done, his activities, his political beliefs, I would have made sure he never was commissioned an officer in any Branch of our service.

He never would have made a sergeant.

As a matter of fact, an Academy Award winning and nominated actor called me the other night. I will not wreck his career by mentioning his name, but he called me the other night and paid me a nice compliment. He said he was riveted to the television set.

He said, "Like you, I'm a peacetime warrior, Congressman. I served in Germany."

He was kind of vintage Elvis Presley's time, who served honorably.

He said, "You know, it kind of brings things down to basics." That is the way he became an actor, a star, too, real basic, earthy performance.

He said,

To me life is when you are in a foxhole, can you catch a couple hours sleep with this guy? Can you trust him not to fall asleep or not to walk away on you? Can you get two hours of sleep? I wouldn't trust Clinton as far as I could throw him.

And I admire George Bush. I do not think he will make the small mistakes in the second 4 years that he has made in the first by trusting people who were not worthy of his trust.

I hope that actor still follows these proceedings, because he is something else.

Here in the letter, Colonel Holmes notarizes, I have got all four Xeroxes of pages where he talks about that he agonized whether or not to submit this statement last month to the American people, and here is the part.

When I reflect on not only the willingness but the eagerness that so many of my colleagues displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me—

This is a Bataan Death March survivor speaking—

that a man who is not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our armed forces.

□ 2220

Mr. Speaker, I submit these two records.

Clinton knew what he was doing, hence this key line about political viability. Incredible.

Now, Mr. Speaker, something hit me out here in the Speaker's lobby when I was looking at the wire services today. I was trying to read stuff about the curse of abortion coming over our land, turning a moral land of Christendom and Judeo-Christian ethics into a cesspool in some areas. This catches my eyes about Oxford:

I saw the word "Oxford." It says:

"Oxford and Cambridge."

But, Mr. Speaker, above it in big letters it says:

"Woody Allen; sex symbol?"

It may seem hard to believe, but British coeds, that is, young women, at Oxford and Cambridge Universities name Woody Allen as the man they would most like to sleep with.

What is that? The man they would most like to sleep with, have sex with? And I said, "Well, this has got to be two dingbat, airhead coeds who somehow or other are good at high school exams but who do not know anything about life.

And I read on. The survey was of 714 young women, and it found that 33 percent, that is, over 200, chose the 56-year-old filmmaker, Woody Allen, who is usually portrayed in his films as a self-deprecating neurotic who does not get the girl.

The second choice of the young women polled was actor Sylvester Stallone of "Rambo" and "Rocky" fame.

"Yo, them British birds want me. Wow!"

Third choice was Prince Andrew who has known as Randy Andy before his marriage to the frolicsome Fergie.

I hope the President stops saying "Oxford man," Mr. Speaker. One, he is not an Oxford man; and, two, Oxford has got some hellacious problems now as far as I can see.

Yesterday I put into the RECORD from memory the general order that came out of the Continental Army of the United States headquarters at Valley Forge on August 3, 1776, by George Washington, and I am forgiving myself for leaving out one phrase, and I am going to read it precisely to create this feeling of what Americans can expect for the standard of the Presidency set by the Father of this Country.

First in war, first in peace, first in the hearts of his countrymen, he voluntarily turned down a kingship, he voluntarily retired after 8 years of setting a standard of two terms, broken only by Franklin Roosevelt on the eve of World War II, after it has already begun and the Battle of Britain was already concluded. President Roosevelt was elected to a third term, but Roosevelt set that standard, and here is what he said about profanity.

Are you listening, Hollywood—Hollywood elite? Ice-T? 2 Live Crew? Are you listening about what the Father of our Country says about profanity among men, not just men, real men, combatants?

Here is what he said, and I want to get this correct so when young schoolchildren are writing to me from all over the country—we had over a thousand telephone calls in the last 4 days over these special orders. The high water mark for me in 16 years, Mr. Speaker, was about 40 or 50 calls from some past, very special, special orders, or maybe a "Crossfire" show or sitting in for Rush Limbaugh on one day, and that is a lot. I think any Member would concede that 50 calls on one subject is a lot in one day. Sometimes you get that much after a Presidential State of the Union Message, but over a thousand calls, not a single one of them negative.

I took two negative calls in the Cloakroom, and they were at least polite veterans that thought we should look to the future, and I am trying to establish why the past is important.

What does it say in front of the Archives?

My son called me the other night, Mark. He is going back to school to get his degree, and he called me, and he said, "Dad, I'm doing a history project here, and I'm talking about us riding the Trans-Siberian Railroad. What does it say on those two statutes in front of the Archives you were telling me about as we drove past? What does it say?"

And I said, "Mark, the Roman, Solon"—there is Solon. I hit the right one. There is Solon right up there next to Moses. He was such a good lawmaker that his name became synonymous with lawgivers. There is Solon, a Greek-Roman figure of a lawgiver, and under him it says, "The past is prologue," and under him it says, "The past is prologue."

And under the other statue, a female heroic figure symbolizing justice, I assume, it says study the past.

The past is prologue. Study the past. That is why I love history. That is why I love men and women who love history, and it is important what is done before us in the Presidency: A man's life, his character, how he responds to tense situations, how he wasn't to be selfless and given instead of covering his own assets.

That is what is important to me.

So, Mr. Speaker, here is what George Washington says in August 1776 about profanity. I have often quoted his Valley Forge a year later, 1777.

The general is sorry to be informed that the foolish and wicked practice of profane cursing and swearing, a vice heretofore little known in an American Army, is growing into fashion. He hopes that officers will, by example, as well as influence, endeavor to check it, and the bovay and the men will reflect that we can have little hopes of the blessing of heaven on our arms if we insult it by our impiety and folly. Added to this, it is a vice so mean and low, without any temptation, that every man of sense and character detests and despises it.

I just left out that one phrase, "that will by example, as well as influence."

Now, when I sit in a Hollywood movie, and I grew up on motion pictures. I love them. It is my favorite lovely art form. When I go to see a Vietnam story, "Born on the Fourth of July," and I see a hootch blown apart accidentally, and there are women and children in there hurt and dying, and one of the soldiers comes in, and the first word out of his mouth is Jesus, which could be a prayer as well as a blasphemy, and the next word is the f word as a gerund: f-ing. And then comes the name Christ—King.

Jesus, the obscenity, and then Christ, and it all goes downhill from there, and the f word is used like, I do not know, 140 times I read in the Protestant publication where some poor person subjected himself enough to counting the constant blasphemies, the foul mouth, scatological words about excrement just thrown around like nothing.

And now I read that the film "Goodfellas," meaning thugs, criminals, killers, had 350-some f words in it. I remember "Scarface," written by the same Oliver Stone-head before he started directing in "Scarface," Al Pacino is saying f f f f f f f until Michelle Pfeiffer says, "* * * and stop saying the f word." She of course said the whole word, and the whole audience sponaneously starts to applaud like, hey, let us enjoy the movie without all this filth and blasphemy. But it is the blasphemies. It is taking God's name in vain and Jesus' name in vain, and many of the times the scripts are written by, directed by, produced by, and performed by nonbelievers insulting my faith and the heritage of this country, and it goes on incessantly.

I sometimes would like to take the words of George Washington, roll it up into a little ball and stuff it down the throat of some of these writers.

DUKE, one paragraph, and let us talk about history.

Here is one thing that is particularly annoying. Clinton has never renounced any of his views or actions during this part of his life at Oxford, the trip to Moscow, which is still the big mystery—a handful of reporters—a handful, one hand you can count them on—are in Moscow and London, as we speak, trying to find the truth.

Finally, a lady reporter from a top national news magazine, a weekly, called me today and said she is going to ask him:

How did you get there, Governor Clinton? By train or plane? How did you pay for it? Where did you stay? Who sponsored you? Were you a guest of the Government? Did you live in student housing? Did you meet with the MIR groups—Russian for peace? Do you think maybe you were manipulated? Do you know that the Intourist agency

always had KGB majors, and colonels, and captains in it to manipulate and track every single American that came to the Soviet Union.

And then she may ask him: "Did you know that Congressman DORNAN was locked up in an old shack that they called an Aeroflot deserted hotel with four heroes' wives, and the wives were heroic in and of themselves: Connie, Pattie, Pat, and Carol, the first head of the League of Families of Americans Missing and Imprisoned in Southeast Asia?"

Of course, all those wives never got back their heroes. We are going to get some answers on Clinton if I have to cross paths with him somewhere during the four debates—I hope there is going to be four.

You know, today, DUKE, when Ross Perot, an Annapolis graduate, came out in 1953, the Korean war was wrapped up because of Ike Eisenhower, it was wrapped up a month later on the 27th of July. He graduated June or late May and served 8 years honorably.

I have never criticized Ross Perot in public because of what he tried to do for your colleagues who were stuck in the plantation and the Hanoi Hilton and Alcatraz and Sontai and all those other hellholes.

His selection of a Vice President was pretty stunning, pretty stunning. James Bond Stockdale has autographed a beautiful painting that hangs right in my office as you come in the door, right next to your shot shooting down that MiG, Fox-2. His is a picture of an F-8 Crusader, which you would have probably flown had you gone to Vietnam maybe a year earlier than you did.

He is in his F-8 striking on the first air strikes against Haiphong the day Ev Alvarez went down. The 100th anniversary precisely of Admiral Farragut going right into Mobile Bay, AL, saying damn the torpedoes, meaning full speed ahead. One hundred years later Ev Alvarez goes down.

I just read his book, "Chained Eagle," magnificent. And months before, the year before, Admiral Stockdale had been the air commander in the air as a CAG over the Tonkin Gulf in an incident. He went to Stanford, to the Institute of War, Revolution, and Peace, the Hoover Institute of War, Revolution, and Peace. He knew the Communist mind, their psyche, and had studied Lenin, Marx, Engels, Trotsky. He knew the subject material and the heads of his captors, and won the Medal of Honor in captivity.

I came to know his heroic wife Sybil so well. I meant to tell the story a few nights ago.

James Bond Stockdale, Jim, took me on a tour of the Medal of Honor section alone. I felt so honored to be with a Medal of Honor winner getting a personal tour by a Navy admiral. He showed me McArthur's medal, and his father, Arthur McArthur, 19 years of age, Flint, MI, shot five times holding the colors up.

Remember we discussed this through an all night session to have this place pass a law to not have people burn Old Glory in front of older people or veterans in wheelchairs who would like to strangle them if they had their legs? And we missed by a few votes. Some of those people went down, but others will probably survive an election.

But Stockdale, showing me all of this history, told me this story about the Greeks not letting bachelors go to war. That only married men could go to war. So when those married men were casualties on the battlefield, KIA or wounded in action, then they bled into the soil of Greece. The young bachelors at home, looking for Miss Right, would say, or the sons, my dad died to keep me free in Greece. That was the tradition of married men going.

We sure have got that one completely reversed, because it was Nixon, President Nixon, who announced on September the 14 1969, that there would be no more real draft calls, that only 19-year-olds would go. And if you take this letter of Clinton to Col. Holmes, he says I wrote a letter to the head of my draft board—he also saw him in person and charmed him and gave that cocked head and that big open mouthed smile and puppy dog look, probably bit his lower lip the way the Academy Award winning actor, and I am sick of looking at this frozen smile, and he says I wrote the letter on September 12 and carried it around for a few days.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentleman from California has expired.

AMERICAN POLITICS IN WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I yield to my friend from California [Mr. DORNAN].

Mr. DORNAN. Thank you, DUKE. I had no idea when you are having fun how fast time flies and that I had spoken on that whole hour. I am glad that we know the rules of the House, so you could get an hour yourself. Because with all due respect, Mr. Speaker and our great staff here, there are thousands, thousands, at least a million Americans, who are trying to get the truth about this Moscow trip of Clinton's.

Anyway, Clinton says, he writes his letter, I will find the point here, this is after saying I organized Americans here for demonstrations in a foreign land, oh, boy, October 15, 16, also the 17th. And then he talks about writing this letter to the head of the draft board in the state.

He said I carried it around for days. Here it is. Finally on September 12, this is to Col. Holmes, I stayed up all night writing a letter to the chairman of my draft board. He had already lobbied him in person. He says he can't remember that. Saying basically what is in the preceding paragraph, thanking him about his 1-D deferment, thanking him for trying to help in a case where he really couldn't—wrong, he could and did—and stating that I couldn't do the ROTC after all, and would he please draft me as soon as possible.

What a distortion. He said he carried the September 12th letter asking that he be drafted as soon as possible, but I never mailed the letter. I did carry it on me every day until I got on the plane to England. Every day sounds like at least 3 or 4 days.

I have in my possession the front page of the Arkansas Gazette before it was named the Arkansas Democrat Gazette. I have in my possession the front page of the London Times, just in case he has got it all deliberately mixed up about the days.

He knew that Nixon was saying we are only going to draft 19-year-olds, we are stretching all this. All those stories were the talk of every flaky, cowardly draft dodger at Oxford or Cambridge, or everybody hiding out in Scandinavia or Europe or Canada. They were tracking these issues daily.

The heroes in that part of the antiwar movement that was pure pacifist that said a pox on both your houses, they stayed in this country, and many of them like Joan Baez' husband, the former student body president who I debated at Stanford, he went to jail. That is guts. That is commitment. He knew his political liability would never take him to the Presidency of the United States, although I bet he could find a district to get elected to Congress because he had the guts and the courage of his conviction.

Let me finish this paragraph, and then it is your special order, and I am going to just engage in a little colloquy with you.

Clinton never has renounced any of his views when you were flying in combat. He not only participated in but organized and led anti-American and anti-Vietnem—that is free Vietnam, South Vietnam, with 44 papers in Saigon, 44 daily newspapers when I was there last in August 1972, my eighth trip. And now there is one, and there has only been one since Russian built T-54 tanks smashed down the door of the presidential palace where I had had those four wives in January of 1970.

Those demonstrations in London had the support of British so-called peace organizations, such as the British Peace Council, an arm of the KGB, funded and created World Peace Council. This makes Mr. Clinton at least, at the very least, in the words of Vladimir Ilyich Ulyanov Lenin a useful idiot, one of Lenin's more useful quotes.

Clinton visited the Soviet Union at a time when they were supplying the weapons with which the North Vietnamese were killing our servicemen and shooting down your wing men and some of your commanders.

I just want the press to ask him what did you do after you arrived in weather between 22 and 26 degrees below zero on New Year's Eve. Did you call your mommy, who never thought you were

going in the ROTC, who is quoted as saying I always thought Bill was going into Yale Law School.

Did you call your mother on Christmas Day or New Year's Eve? And then when you got there, with whom did you meet, Governor? Where did you go around Moscow in 23-plus degrees below zero?

What about other trips? We have placed you in Oslo somewhere between Thanksgiving and December 15. We know he visited with peace groups in Oslo. Where else did he go? And again for what purpose? This must be answered.

□ 2240

I hope to get this to President Bush in detail so that he can stand mano-a-mano in the debate and say, Come on, Governor; come on, Bill, be a man, not a 23-year-old boy. You have added another 20 years, 23 years, you have precisely doubled the age of what you called a boy on Lincoln's birthday to Ted Koppel's face: "'Remember, Ted, I was only a 23-year-old boy.'"

I hope the President will put him on the spot and show this Nation the depth of his character, President Bush's, and the lack of character and principle and duty, honor, country, in this Governor of a small four Congressman State who would be the Commander in Chief based on a series of deceits.

May I just ask you a question, Mr. CUNNINGHAM? When did you get your Navy wings of gold?

Mr. CUNNINGHAM. 1968. My first cruise to Vietnam was the latter part of 1969. I was in Vietnam in 1969 and 1970, returned in December 1971, under antiwar protesters when the U.S.S. *Constellation* sailed out of the Port of San Diego on our second cruise.

Mr. DORNAN of California. You mean there on Point Loma?

Mr. CUNNINGHAM. Out of Point Loma, yes.

Mr. DORNAN of California. And that makes air crews feel kind of punk, and those kids who work on that deck during night recovery, it is the most dangerous industrial workplace environment on the planet, right?

Mr. CUNNINGHAM. Right.

Mr. DORNAN of California. Pretty good kids. What was the attitude of the air crew pilots, the attack and refueling pilots, and the fighter pilots like yourself, and as a fighter pilot, you knew bombing missions. You were kind of like an F-18 pilot today: Did it all, into the target, fight your way in and out.

On the mission where you shot down three Mig's, did you bomb on that mission?

Mr. CUNNINGHAM. Yes. I pulled off a target after bombing that target and was attacked by some 22 Mig's, and was lucky enough to shoot 3 of the 22 down. Then later I was hit by a surface-to-air missile, which by the way, those were Soviet-made Mig's. That was a Soviet SA-2. The AAA that shot at us was built in the Soviet Union while Bill Clinton, Governor Clinton, was there in 1970.

These are the same arms, and by the way, the Soviets were training North Vietnamese pilots in 1970, and prior to that fight against United States pilots.

Mr. DORNAN of California. Training? Did they think that training; you know, I visited a Soviet grave site not too long ago in 1978 or 1979, and a whole Pathet Lao, Laotian delegation, came to lay a wreath on these graves of honorable men and women who had defended I think it was Leningrad. I looked at these tough-looking Laotian Communists and I thought, "Is my friend, David Hrdlick, alive?" I am still wearing his bracelet. I said, "Do you have him in a cave somewhere?" This is 1978. He survived from 1965 to 1970. Why couldn't he have survived a few more years?

I thought, "Do you know the fate of Charlie Shelton and David Hrdlick? Do you strange people who are crushing people with communism," little did I know that I would still be in Congress when these things took a topsy-turvy turn, and we have seen communism dissolve.

Clinton has never commented anywhere about the Soviet demise of communism. I think you saw me in a 1 minute today say, "Wait a minute, kemosabe. what do you mean 'we won the cold war?'" He never lifted a pinky, as did other good men who were being attacked, Cheney and DAN QUAYLE, had a piece as elected legislators in that war.

Mr. CUNNINGHAM. If the gentleman will yield, BOB, do you know, one of the things I would like to thank you for, and I thought that, Mr. Speaker, I was not aware, and I am sure the Speaker was not, and the American people, about the facts and the figures that have all been documented, by the way, that you have brought forward.

I sat and watched with amazement your special orders. I did not know that Clinton had organized antiwar demonstrations where human skulls were used with pictures of our pilots, some of those same pilots I flew with and were shot down and killed in Vietnam.

Mr. DORNAN of California. They may have been papier-mâché skulls, but with pictures of dead American heroes inside the eyes and mouth of the skulls.

Mr. CUNNINGHAM. I was not aware. You brought the letter that Clinton wrote to me, and I read that. I was outraged at that. But then to find out that when you talked about it, he is playing a game. He played a game with Eugene Holmes, he played a game with the draft board, he played a game with the ROTC and quit, and he played a game as a student in Oxford until he learned even then that they were only going to draft 19-year-olds, and he is playing a game with the American people right now.

He is going to lose at that game, because people are not going to support someone that any of the allied countries that I have ever served with or flown with or even the enemies that we have fought against, he would be tried as a traitor or even shot in those countries. I cannot believe that the American people will support someone like that.

BOB, there is a saying: "Those who fight for life have a special flavor that the protected will never know," and I include in that the wives that saw their husbands depart for combat, and not knowing their fate, the children, the sons and the daughters and mothers and the fathers, not only in Vietnam but in Desert Storm. They have a special flavor for life that the protected will never know.

I wrote a book in 1973. I was still a fighter pilot, and it talks about the hate and the disgust that I held for this body in Congress because of what they did to us in Vietnam.

Mr. DORNAM of California. Was your book called, "Fox 2?"

Mr. CUNNINGHAM. That is not important, what the name of the book was. But I talk about the Jane Fondas and the Tom Haydens and the Proxmires and the McGoverns and the Jerry Browns and the people that actually got us killed in Vietnam. I would hope the American people, Mr. Speaker, would see the movie "Hanoi Hilton," because in that movie it points out the role of antiwar protesters, and the people that they actually got tortured. The great SAM JOHNSON from Dallas, TX.

Mr. DORNAN of California. Congressman.

Mr. CUNNINGHAM. Congressman SAM JOHNSON was tortured as a POW, and many of those POW's, because of Jane Fonda and Tom Hayden and Ramsey Clark's appearance there, they were tortured. In many cases I can remember sitting on the U.S.S. *Constellation* 2 days after Jane Fonda and antiwar protesters went into Hanoi, and we were not allowed to strike those targets, the SAM sites.

What did that do? It allowed the North Vietnamese to reload those SAM sites that we had only destroyed a few weeks ago. We were not allowed to fly in as long as the protesters were in there. When we were allowed, we went back and those same SAM sites that we had knocked out were fully armed again. Mr. Speaker, we lost a lot of pilots. As a matter of fact, on Operation Proud Deep we lost 37 airplanes. They were directly responsible for the lives of many of those men on that wall.

I cannot tell you, Mr. Speaker, the contempt that I have for someone like

Governor Clinton, that not only went to the Soviet Union as they were training those pilots. I was shot down in May 1972, and I tell the Members, there was no white scarf on the most afraid aviator or person you could ever see in your life, but if I could have gotten my hands on those antiwar protesters, I don't think you would have wanted to know, and most of the men and women that I served with, and I cannot believe the game that he is playing.

Congressman DORNAN, I want to personally thank you. I didn't know about Col. Eugene Holmes, and even his press release, where he said Clinton was playing a game, that he was absolutely lying, that he evaded the draft, and when he found out his number was high in the draft and they were only taking 19-year-olds, he said, "By the way, I promised you I was going to join the ROTC. I am not going to join the ROTC, I am going to go to Oxford as a Rhodes scholar. Then, by the way, I am going to quit as an Oxford Rhodes scholar and I am going to go protest, and I am going to protest in the Soviet Union, I am going to protest in England, and I am going to protest in other countries." What else is he going to protest?

I worked at the Navy Fighter Weapons School, which is also called Top Gun. We used to train against Sino-Soviet tactics in 1970? Why? Because the Soviets were training the same people that were shooting us down, and there was Bill Clinton in January 1970, at the same time the KGB and the Soviets and the RGI's, which were the intelligence ships, were giving intelligence information back to the Soviet Union and North Vietnam, and Bill Clinton was there in part of that. He is directly responsible.

Mr. DORNAN of California. The soviet ships would track right in your wake?

Mr. CUNNINGHAM. They tracked right in our wake, flew along. They recorded.

Mr. DORNAN of California. Every time you took off?

Mr. CUNNINGHAM. Every time we took off they knew we were coming with how much ordnance, where our direction was, and they laid in wait.

Mr. DORNAN of California. Sometimes to reduce your fuel load for deck recovery you would have to dump some fuel. Would that fuel ever hit those Russian intelligence ships?

Mr. CUNNINGHAM. Sometimes it did.

Mr. DORNAN of California. Accidentally?

Mr. CUNNINGHAM. Accidentally. Many people chastised President Nixon for mining the harbors, but I used to fly over Soviet ships loaded with surface-to-air missiles, trucks, weapons that were going to be used against us the next day. When Nixon mined those harbors, he stopped a lot of that ordnance coming to us. It meant survival to us. He had the sand to stand up against the liberals and stop it.

□ 2250

Mr. DORNAN of California. DUKE, we have a British member of Parliament that comes to California. He enjoys the sun and the American exciting lifestyle. He is a British citizen, and he goes back and forth. And he passed through here today. I was hoping that you would be coming out on the steps to meet him. I will not give his name because he did not give me permission. But he is going back to England right now, a great debater, a member of the loyal opposition. Wilson's government was in power during your years and Clinton's years at Oxford, and he remembers debating at Oxford and Cambridge both, but particularly Oxford at the student union. And his subject was, is America's role in Vietnam moral or immoral. He said that surprisingly they won the debate, the pro-side, so it was moral. And he said he distinctly remembers the fans, and he hopes he can document it by names of American students in the front row, and he believes that one of them was Clinton. And he said they were there as the showcases for the British debaters to look at, these poor American students, they hate their country, they are forced to flee, and they do not want to serve. It was an immoral war, and they were all for Ho Chi Minh.

Now McSorley, remember from my piece the other night, the radical, pro-Fascist peace operation at this Jesuit institute down there at Georgetown where Bill Clinton went, where he says he was a loyal Baptist for 4 years.

Mr. CUNNINGHAM. Did he quit that too?

Mr. DORNAN of California. No, he finished that. He probably did well there. McSorley said I was a stupid Congressman. He said a stupid Congressman, so I do not think he even knows who I am. McSorley who today is a journalist from Arkansas, and this is Father Drinen's friend down there, Father Death's friend, he said that Bill Clinton and what he was doing, he was heroic, and the war was immoral, and Ho Chi Minh was a good man. But then he conceded that he was a Communist. And then he said that Ho Chi Minh only became a Communist, and it is good for people to know that like Tito, Stalin, Hitler, all of these people changed their name. Hitler's real name was Schifelburger, and Stalin's real name was Josif, and it is a mouthful, Vissarionovich Dzhugashvili, and he changed his name to Steel, then Stalin. Well Ho Chi Minh changed his name. His name was Nguyen, and you put the last name first, and that is the most common name in Vietnamese, like Smith or Jones, Nguyen That Thanh. This is his real name, Nguyen That Thanh, not Ho Chi Minh. That is an assumed name also. And that was when he was a Communist student in Moscow in the 1920's, and here is this Jesuit priest who is still poisoning the minds of young 17- and 18-year-old freshmen with his peace institute down there at this Catholic school, and this is the kind of garbage that they get, and for Catholic parents who send their kids to this school and wonder why they have lost their faith 4 years later, at a tremendous cost to the family treasury, McSorley said incorrectly that he was out of the priesthood, but he is still a Marxist priest, and he is still defending Ho Chi Minh and whipping up on the honor of all of the men like you who were there because you were a volunteer, fighting communism, and going back for one tour after another. So be advised, folks, if you send your kids to Notre Dame or to Georgetown, two great institutions, to just be sure you keep track of who their instructors are, because it is a mixed bag at both of those great Christian institutions.

I want to ask you about your first cruise. You got your wings when Clinton graduated from Georgetown in June 1968. When you went over there the first time, it was after the first Tet offensive, before the offensive in September. Were you on the *Constellation's* first cruise?

Mr. CUNNINGHAM. No, I was on the USS *America*, and at that time, if you remember, President Johnson had terminated the bombing in 1968.

Mr. DORNAN of California. On Halloween, as a political move to get Humphrey elected, and to throw them off, and not to demean Johnson's honor, but that was the most disgusting manipulation of combat operations for political purposes, and he did it to throw the election to Humphrey. Humphrey, a good man, was closing on Nixon, 200,000 votes a day and probably would have caught up with him within another 2 weeks given the bias of the media then. They look like Boy Scouts and pussycats compared to the arrogant and ignorant manipulation of the election. And these reporters are coming to interview me about my Moscow line, and they stand there with their arms folded, with an S-eating smirk on their face with lines like, and here is exactly what one of them said to me yesterday, "Well, Congressman, a lot of people went to Russia in the 1970s."

Not on New Year's Eve, 26 degrees below zero, and not within the first week of 1970. This is not 1969. And you know that in 1976 President Carter stopped our Olympic athletes, I mean in 1980, from going over there. Why? Because the Russian Spitznotz 2 days after Christmas had taken over in Afghanistan, and in came the shock troops and genocided a million and a half people from 1979 to when they marched out of there on February 15, 2 years ago. It is not easy to go to Moscow.

Mr. CUNNINGHAM. It is not so important to me why Humphrey did it or Johnson did it as the effect that it had on us, because we were not allowed to do our job like they were able to do in Desert Storm. Our hands were tied behind us. We could not strike in North Vietnam, we could not do those kinds of things that they did in Desert Storm. And the end result is it got a lot of my friends killed.

Mr. DORNAN of California. And you know our colleague, SAM JOHNSON, this great American who was sitting right here in that chair, and right there he told me some days ago that on the mission where he was shot down, beginning almost 7 years of hell, 3½ years plus in solitary confinement, and I do not want to embarrass him but you can see the limited use of one of his hands. He still has a powerful handshake.

Mr. CUNNINGHAM. But he has a great mind.

Mr. DORNAN of California. It honed his mind. But they would not give him decent medical treatment for simple bailout injuries, and then they aggravated those wounds by severe torture. And he told me, he sat in his F-4 at Ubon, I believe, waiting for a C-130 to land so that bombs could be taken off the C-130 and carted over to his airplane, two 500-pound Mark 82's so they could send him north. And what is the loaded weight of an F-4?

Mr. CUNNINGHAM. Fifty-six thousand pounds.

Mr. DORNAN of California. Fifty-six thousand pounds plus these two 500-pound bombs, and that is the kind of thing being done to you. Let me ask you something so that the audience can track this because there are a lot of young people listening to the proceedings in this House, on these on-again, off-again bombings, I had a chance to confront Robert Strange McNamara, who over the weekend came out in favor of Clinton. And I knew that this was coming because I saw in Newsweek about a week ago that Clinton, he said, was as honorable as the men who went to Vietnam, like Lt. DUNCAN HUNTER of California who just came to the well. Let me finish my thought on McNamara. He quit on leap year day of 1968 just about the time that you are getting your wings, and turned it over to the man who called Reagan an amiable dunce, Clark Clifford. I am sure he believes now in karma, and what goes around comes around, and his doctor is begging to give him mercy so as not to send him to jail at 85, and he was the Secretary of Defense for that one year, while our men were having their hands tied. And here is North Vietnam, picture an atomic bomb cloud, narrow at the waist, and then South Vietnam like a reflection. So here is the atomic bomb cloud up into the route packages for bombing, one, two down at the bottom, three, four, five, and six were the targets that you wanted to go after, Haiphong, Hanoi. And LBJ cuts it off on Halloween, and that is the real October surprise in 1968. And when LBJ was the Commander in Chief he could not reinstitute the bombing. Everybody would say that oh, you did it to throw the election to your Vice President, Hubert Humphrey. And then the bombing continues on through November, December, into January 20, and the country is exploding. Clinton is organizing demonstration, goes to Oxford for his first year, I am sure, and getting the draft notice that very month, the first of four. And then how can Nixon when he is just in office, the country is tearing apart, start up the bombing? I think he should have, but he waited all through 1969, all 1970, all 1971, and on April 16, 1972, I am down at the *Apollo 16* launch in Cape Canaveral, and I hear on the radio that we have started Linebacker 2, the rebombing of the North, and I hit the hub of my steering wheel so hard that I bruised two knuckles on my hand, and I started to cry because I knew that guys like you were saying, "We're going to win the war."

Mr. CUNNINGHAM. But the important thing of everything we are saying is that while all of this is going on Governor Clinton was in the Soviet Union, an antiwar protester who had dodged the draft. And when he found out he did not have to go to the draft and had promised that he would go into the ROTC, he said I am not going to do that. And then he wanted to become a scholar and he quit that. And for all that we were in Vietnam, and all of the people that died, Governor Clinton was not there. He turned his back on this country.

□ 2300

Mr. DORNAN of California. Duty, honor and country.

Mr. CUNNINGHAM. And country. You know, Tokyo Rose, which I was born December 8, 1941, the day after Pearl Harbor, I have read accounts of how Tokyo Rose was hated for her part with the Japanese.

Governor Clinton, if he would have lived in that time, can you imagine the disdain that the American people would have had for him? If he was in Israel, was in Saudi Arabia or Egypt or any other country, he would have been disgraced. He probably would have been run out of the country or even executed.

Mr. DORNAN of California. Unless he had the courage to say, "I am a conscientious objector," which happens in Israel. Do you know what they say then? "You will drive an ambulance. You will be a combat medic. If you cannot pull the trigger, we understand that, but you will nurture the wounds of those who are buying our freedom with their blood."

I think it is time to turn to our Republican leadership. Mr. CUNNINGHAM. I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. DORNAN of California. That guy does not look much like a paratrooper except in his eyes, right now, his steely blue eyes. I see Geronimo.

Mr. CUNNINGHAM. He served in Special Forces in the Army in Vietnam.

Mr. HUNTER. I thank the gentleman for yielding, but I was never in Special Forces. I was with the paratroopers for a little while, but did nothing special, unlike the gentleman.

Mr. DORNAN of California. Well, except for getting shot out and carry your young men out, wounded in your arms. Do not give me that that you did nothing special.

Mr. HUNTER. This gentleman just showed up, but I do appreciate the gentleman letting me join in the debate.

I think you have brought up a very important point here. I was getting ready to take off for the night and noticed the discussion, and you hit on the point that I think is lying with every American family, troubling every American family right now, and that is this: The Commander in Chief, from George Washington onward, has had the duty of asking American families to give up their children to go off to very dangerous places and fight to defend this country, and early on, of course, most of our wars and battles took place on our soil or nearby, and later on ended up in places like Belleau Wood and Guadalcanal and Normandy.

But nonetheless, that duty of trust between average Americans, working Americans, and the Commander in Chief was a very important thing, and his moral authority to draft young men was very important.

In fact, I think the draft only passed by one vote in 1941, and the Democrat Speaker of this House, Sam Rayburn, made his great speech in which he said to his colleagues, when it was clear that it was unpopular to draft people, but we knew we were going to have to, he said, "Sometimes you have to lean against the wind; sometimes you have to do things that are difficult." So we passed that draft law.

I think the unanswered question that many American families are thinking about is this: Can we ever give the moral authority to this Governor named Bill Clinton who himself, when he was called, whether the war was considered by him to be a good or bad war, he was called to take the place of another young man to go to Vietnam and to fight for his country, and he refused to do that. In evaluating the series of his turns that he made from going in and out of the ROTC, and once he got a high draft number, going the other direction, demonstrating in Great Britain and at a time when Great Britain was sending war materiel to the people who were killing Americans, to North Vietnam, and we were at the time very concerned about that.

Would that man, Governor Clinton, ever have the moral authority? Because it takes moral authority. You cannot think, if you have an American family that feels that the Commander in Chief, has no moral authority to take their young man, because he himself has evaded the draft, then you do not have enough policemen in America, and you do not have enough military policy in America to go door to door and to build an army based on unwilling families who do not want to give up their young people because they think the Commander in Chief does not have the moral authority to ask them to do what he refused to do himself, so that he could "remain politically viable."

I think that is the point that American families are contemplating right now and, you know, this position of Commander in Chief is a pretty important position.

I do not know if Americans realize it, but there are so many elements that go into making economic policies. This Congress has a great deal to do with either making economic policy in cooperation with the President or blocking his economic policy, as the gentleman has seen many times when he offers or when he requests a balanced budget, a line item veto, a capital gains tax cut, to get people working again; many, many elements are engaged in making economic policy.

But only one person is engaged in being the Commander in Chief of the Armed Forces of the United States, and that is the President. Our first President, George Washington, had those words said about him, "First in war, first in peace, first in the hearts of his countrymen."

It is interesting that the first appellation, this first description, of George Washington and his service to the country was first in war. That is where he proved himself to the American people, and that is where he showed his own willingness to sacrifice and his own ability to lead Americans in times like Valley Forge when spirits were very low. He showed his understanding of the resiliency and the capabilities of Americans, and he did all of these wonderful things as the Commander in Chief.

You know, I have noticed that a couple of the veterans' groups have not endorsed President Bush over Governor Clinton in this particular campaign, and that astounds me, but I think they are missing a point. Veterans' groups are very proud of the fact, every veteran is proud of the fact that the status of veteran is a special thing. It was made a special thing by George Washington.

That special status continued throughout under Andy Jackson, Abraham Lincoln, Theodore Roosevelt, and right on through to our modern Presidents, Mr. Truman, FDR and right up through, of course, Ronald Reagan and that 18-year-old pilot, George Bush.

Mr. DORNAN of California. Captain; Capt. Harry Truman, Artillery, because my dad was Capt. Harry Dornan, Artillery.

Mr. HUNTER. I would like to have both gentlemen comment, because I admire both of you. Do you think, if this person who deliberately avoided serving his country and let somebody else go in his place, and we will never know what young man went in his place and whether he lived or died or was wounded, because he was not part of that elite group who could maneuver and get out of things by having powerful people call the draft board, will we ever have that status, will that status of veteran in this country ever mean what it meant before a Clinton Presidency? I would be happy to ask the gentlemen to answer that.

Mr. CUNNINGHAM. I think veterans are going to stand proud no matter what happens in this Presidential election. I think that if you look at the pledge that the President takes and he stands up and holds up his hand and says, "I swear to uphold the Constitution and to defend it against all enemies, domestic and foreign," that it would be difficult for Governor Clinton to say that with real meaning since he has not, and in the Preamble, where it says, "to provide for the common defense," I think that the veterans would look, and I know myself, and most of the people I have talked to, would not hold up the same level of view toward the President that said that.

Americans are a proud people, and I think if you ask would our American fighting men go to war under Clinton, of course they would. They are professionals. Would they respect him as much? Would he do the same thing that George Bush did in Desert Storm by giving the command to the people that ran the war? Because Clinton, remember, did not serve. He has no idea, no concept of tactics or anything involved with the military. He escaped it. He ran away from it.

So what is he going to do? He is going to turn it back to Congress just like they did in Vietnam, and we are going to get people killed, and the people, when you talk about holding their heads up, people that are going to go to war under that kind of leadership, or lack of leadership, are going to be disheartened.

Mr. HUNTER. I thank the gentleman.

Mr. DORNAN of California. Last night I went into the Cloakroom. I had a message waiting for me. I still have not called him, the last ace in Korea who was a young Air Force captain or first lieutenant named Steve Bettinger, and when I was in the Air Force, I was in the First Fighter Squadron, and he was the CO, the youngest commanding officer on that base of 8 fighter squadrons, the 21st Fighter Squadron, and Robby Reisner, terribly tortured in Hanoi, a great hero, was the squadron commander of the 34th TAC Fighter Squadron, and Steve Bettinger was an ace, and as I said, I think the very last ace out of 39 aces, and in his war, one Navy, one Air Force.

Mr. HUNTER. And who was that Navy ace?

Mr. DORNAN of California. Well, I forget; let me see, could be the guy I asked to join my special order and never let him say anything?

Mr. CUNNINGHAM. We had two pilot aces, but we had Dick Bellanger and Jeff Feinstein, and my back seater, Willie Driscoll, who were also considered aces, and it was a team. They deserve equal credit for that.

Mr. DORNAN of California. That is right. Because those guys in the back told me that you just did the driving and they fired off all the missiles and got all of the kills. It was a team effort, because all of our aces were two-man teams in Korea, all 39, except for a borrowed Marine named Bolt. We borrowed two marines, well, we borrowed several. One was JOHN GLENN who shot down three MIG's, and when he talks to peace groups, he does not want them to find out that he is a tough, red-headed marine fighter pilot on loan to the Air Force.

□ 2310

But of our 39 guys who were shot down, Steven L. Bettinger was the last. I remember vividly because he had hair your color and a big red mustache my color, a big handlebar mustache on this brunette. He was a swashbuckling squadron commander. His men loved him. He called me last night and left this message: "Watching your speech on Clinton. Very proud of you." That is the way I hope most veterans react around this country, because I will tell you, DUNCAN, I am sick and tired of the VFW PAC not endorsing people in this Congress who put defense sometimes ahead of—or miss a vote, miss a vote, absent because of other work and they miss some veterans vote that is going to win around here by 95 percent, which it should, and they start thinking about "me, me, me" instead of the future of their country.

Mr. HUNTER. That is my point. There is a special status that attends the word "veteran" in this country. That is what makes children stand up at parades when the VFW goes by.

Mr. DORNAN of California. Yes. When the World War II or World War I veterans come by, is there a dry eye, at any age, on either curb of the parade? There are precious few of them left.

Mr. HUNTER. And that is because our veterans are sacred because they have given of themselves that the rest of us might have freedom. I would think that for shortsighted veterans groups who are saying, "Well, we are mad at President Bush because of this program or that program," I think they do not realize that in holding

back their endorsement they are denigrating the very status that has elevated them for several hundred years in the eyes of their fellow Americans.

Mr. DORNAN of California. Exactly. You want to hear an irony? It just popped into my head, and it could not be more bizarre.

The Disabled American Veterans did not want me to speak about Clinton as a draft dodger. They wanted to hear why I was getting their award of the year, along with many of us here, what I had done for them and what I was going to do for them.

I looked at them as heroes, particularly the World War II ones. It was the World II ones who did not want to hear anything about Clinton.

I went outside, and I said, "Why are you so angry? Why did your sergeant at arms have to order you," remember 3,000 of them in a big auditorium in Reno a few weeks ago, "Why did your sergeant at arms have to order you not to boo our good friend Derwinski?" They said, "Well, you know why. Because he was going to open up our VA hospitals to nonveterans." I said, "I know. I was against that policy. I talked to him. Many of those hospitals, like the one in Montana, were 40 percent occupied. It was an idea to grease the wheels, treat trauma victims from car crashes, so that we would have enough nurses and doctors there." And I said, "I understood from day 1 that the symbolism was all wrong." They said, "Well, yeah, you know what our nightmare scenario is?" And I hope I do not torture the truth with this scenario, but this is basically what I recall them saying: "How do you think we would have felt if some draft dodger who ran off to Europe or Canada," he might have said Scandinavia, "comes home and is smoking pot, maybe inhaling or not inhaling, and gets in a car crash and is badly injured and eats up a bed and bumps one of our veterans out that this draft dodger ran away and would not serve his country?" I said, "Excuse me." Now, this is in the lobby of the hotel, "Now you wouldn't be talking about Bill Clinton, would you? And yet you want to dump on Bush to give the advantage to the draft dodger?" Unbelievable.

Now, can you explain to me, when honorable naval admiral, who was made the chief of all of his peers, Chairman of the Joint Chiefs, Adm. William Crowe, by Ronald Reagan and given a private retirement party in the residential quarters on the second floor of the White House, why would Admiral Crowe stand next to Clinton in the very week before the Moscow trip, before the lying about the Oxford thing, about a week before I started these special orders, he stands beside him and gives him dignity so that one of the rare reporters that asked him tough questions this spring, "Governor, President George Bush said you are not coming clean with the total truth and the full facts on your draft record." You know what Clinton's answer was? It was a nonanswer. He looks at this reporter, took a rare long pause, and goes, "I believe Admiral Crowe has more credibility with the truth than George Bush." Now, why would Crowe give him that figleaf?

Mr. CUNNINGHAM. I would have a lot more respect for Admiral Crowe—and I know Admiral Crowe—if Clinton would by chance get into the office that when he is offered Secretary of Defense or a military position, that he would turn it down.

Mr. DORNAN of California. But I am afraid he would not turn it down.

Mr. CUNNINGHAM. Of course.

Mr. DORNAN of California. I will tell you something, I saw him sitting in front of our Committee on Armed Services with the top-ranking Chairman of the Joint Chiefs, or whatever the title is in the Soviet Union, Akrymayov. He is sitting there having a lovefeast, these two guys who traveled all over the Soviet Union together. They went out to the Navy carrier, went to all our best bases. These are just two real tight buddies. Akrymayov was part of the plot, the coup to kill the man that Clinton says is one of his heroes, Mikhail Gorbachev.

Now, an important footnote from the Wall Street Journal: "The most admired foreign leaders," Bush: Winston Churchill, Anwar Sadat. Not bad. QUAYLE: Li Quong Yu, president of Sampam, and Margaret Thatcher. Not too bad.

GORE: Gro Harlem Brundtland of Norway. Very esoteric, Al; we are not questioning your IQ. And Carlos Salinas de Gortari of Mexico. Harvard-trained economist, probably in AL's class.

Now, Clinton: Nelson Mandela—a lot of dignity coming out of 20 years of prison. I mean would that pop in a normal guy's mind over Margaret Thatcher or Winston Churchill? I do not know. Here is the second one: Mikhail Gorbachev. Not Yeltsin, not Lech Walesa, but Gorbachev. That tells me a lot.

So here is a man who is part of the plot to kill Gorbachev, Akrymyov, and remember he had a grommet in his hat that looked like a big frisbee about a foot and a half across; he committed suicide. He and his brother committed suicide. Then he is buried. And people are so hateful of this man in Russia that they dig his body out of the grave, strip him naked, his uniform is nailed to a wall in Moscow and his naked corpse was dumped back. And that is Crowe's friend. I think that was in Crowe's head plus the fact that he was against the Vietnam war.

Now, one fact: I found out that his son, Mark, went into the Marine Corps, an Annapolis graduate, he got into the Marine Corps and was a combat company commander that helped take Kuwait City. If Admiral Crowe was worried about his son Mark's life, Mark sure was not. He would not have gone in there as a Marine, gung-ho to free Kuwait. He probably would have strangled Saddam Hussein if he had the chance.

I would like to know if Mark Crowe, I think it is Mark, Captain Crowe, USMC, I wonder if he is going to vote for the draft dodger or the Navy combat pilot with 48 missions. Here is something I think the world ought to know. It took place in the Intelligence room upstairs, but all of the formal part was out, all of the classifications are out the window. Just me and Crowe, mano a mano. I walked up and said, "Let me ask you something." I did not want to do it in front of DAVE MCCURDY, Clinton's friend, or anybody else. I said, "Let me ask you something. If you had known then what we all know now, particularly in this room and what the American people know about NBC, or nuclear, biological, and chemical warfare, and how this guy is living under the sanctions now for almost 2 years after the war is over, if you had known all this now, would you have still been for sanctions only and against the January 12 vote in 1991 for military action?" Answer, so help me Almighty God, Mr. Speaker: "No. Of course, Congressman, if I had known then what I know now, of course I would have been for the military action." He has never said that publicly. Pardon me, Mr. Speaker, that I have blown Admiral Crowe's cover, but he said it.

Now, he has got a set of ribbons that go almost down to his belt, all of them well deserved. But all of them for working in the Pentagon and staff jobs. He was a submariner, a good one. It was never his fault we never went head on head with Soviet attack subs. Crowe has no combat like his son. I just think it is disgraceful, until I get a better rationale for it, it is disgraceful that that admiral would stand next to the draft dodger and create this massive figleaf so that he could not answer questions and defer questions to Reagan's Chairman of the Joint Chiefs of Staff as he continues to fog the truth.

If Clinton ever had become a naval officer, his job would have been to be on a destroyer at the back deck letting out a smoke screen to give the fleet some cover.

Mr. CUNNINGHAM. Did I understand the gentleman correctly that one of Clinton's heroes was Mandela?

Mr. DORNAN of California. Nelson Mandela and Mikhail Gorbachev.

Mr. CUNNINGHAM. Nelson Mandela hosted and lauded the terrorists. There is a bullet hole right here in this chair. There it is right there, where the gentleman's finger is going through, and he lauded the terrorists and supported them, who are the same people that shot here in the United States Con-

gress, that fired their weapons at U.S. Congressmen. The bullet holes are still there.

Mr. DORNAN of California. That is 1964.

Mr. CUNNINGHAM. I can understand if it was Martin Luther King or even some of our colleagues in the Black Caucus on the other side that marched for freedom and equal rights, but not Nelson Mandela.

Mr. DORNAN of California. As a matter of fact, let me advise Bill Clinton. He should have said Martin Luther King and Boris Yeltsin, same countries, same type of leader, little different players.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. Interesting discussion, BOB, about why Admiral Crowe might not endorse Bill Clinton, and he obviously did; but you know, this is a city in which strange marriages take place all the time. We know that.

I think the real point is that perhaps Admiral Crowe has fallen out of touch, something that politicians in this city do all the time, with the millions of Americans who live beyond Washington, DC.

Mr. DORNAN of California. And with his pals in the retired military community.

Mr. HUNTER. Absolutely, because the real bond that exists in this country that makes us all equal is that invisible bond that exists in military service that connects rich and poor, young and old, people of all ethnic backgrounds, and that is the willingness to serve our country when we are at risk. That is a tie, a bond that Bill Clinton did not want to take and did not want to undertake.

You know, I watched him the other day with his trucker's hat on.

Mr. DORNAN of California. Oh, he was not wearing his MTV hat?

Mr. HUNTER. No, he was wearing a trucker's hat and maybe an MTV hat. He had a country western band playing.

I thought, what a fraud, because he was out there on stage with a bunch of working Americans, a bunch of blue collar people, a bunch of truck drivers, and I felt like going out there and putting a big banner out in front of him that said, "Bill Clinton, he will party with you. He won't go to war with you."

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Those are the people, and one person in particular was a person who took Bill Clinton's place and went to Vietnam. It was not a question whether Vietnam was good or bad or he disagreed with it. Some young person took his place.

Mr. DORNAN of California. Four young people took his place.

Mr. HUNTER. And if you look at the people who served in Vietnam and reupped, I was only there for 1 year and did absolutely nothing special; but you saw a lot of enlisted people who were drafted, who went to Vietnam and when their time came to come back and they were boonie rats or infantry men, they would have been there for a year and they would be short and their time would come and they could go back to the States and they would reup. These people who were drafted went unwillingly into the military. They would reup to stay in Vietnam in a dangerous situation, again with their friends, because of the camaraderie and that invisible bond between them and the 15, 20, or 30 people in their platoon. That is what would make some young men stay there 2, 3, and 4 years.

Now, Bill Clinton never undertook to grasp hold of that bond that has held Americans together for 200 years. I do not think he is going to have the moral authority to ask other American families to do that.

Mr. DORNAN of California. DUNCAN, how did you get your commission?

Mr. HUNTER. I went in as a private and went to good old Fort Ord and Fort Gordon, GA, and went to OCS at Fort Benning.

Mr. DORNAN of California. Tested, as I did, an enlisted man. I enlisted for 4 years in the Air Force, tested, left college at 19 because I thought I had missed the Vietnam war; cannot control those events, I did miss it; but when you went in, asked to be an officer, how old were you when you got your gold bars?

Mr. HUNTER. I think I was 21.

Mr. DORNAN of California. Did you consider yourself a war hero?

Mr. HUNTER. It has been awhile. I think I was 21.

Mr. DORNAN of California. Well, that is how old I was when I went in.

Mr. HUNTER. All I know, I was still calling dad and asking him to send money out by Western Union.

Mr. DORNAN of California. By the way, knowing your father, if you had said, "Dad, I think I'm going to England and I've got other plans here," how long would it have been before you had been invited to Thanksgiving dinner? And I know your Mom, too.

Mr. HUNTER. My dad is one of those people, like your family and like DUKE's family, that believes that serving in the military is a duty that rises above your bank account, your social status, your religion, your ethnicity, everything, that every American is a brother when he serves in the military.

Mr. DORNAN of California. Let me read something from Time magazine to show you this coverup thing that is going on.

Gary Wills, not a bad writer, still cannot figure it out, but he has an article in the July 20 issue of Time magazine, kind of the definitive issue with a profile of Bill Clinton, supposed to come our during the convention.

Everybody knows this guy has a rep for womanizing. His opening press conference in Washington, DC, he has to alert the press to inoculate himself.

"Now, you're going to hear a lot of stories about me."

The press says, "Well, that happens to all politicians."

But as Paul Tsongas pointed out, "You are not hearing stories about me or HARKIN or Senator KERREY or anybody else, or AL GORE.

Why is it he has to come up front and say, "you are going to hear a lot of stories."

How does Time magazine handle that?

Gary Wills, by the way, has a great book out on the Gettysburg Address. The whole book was just about that one address, 267-some words. How is it going to cover this massive part of the Clinton profile on adultery? Here is how he does it. Watch how he weighs his words. He ends up talking about a Rhodes scholarship when he finished college. He won it from eight people mentoring.

Michael Kingsley of Crossfire told me that word "mentor" and turn it into a verb. It is a mentoring process, and Mike Kingsley says that it is elitism. It is not competitive. you convince with a winning smile other people who have Rhodes degrees, who went ahead and got their Oxford degrees, that you are going to represent the State of Arkansas in an admirable way. So he ends that paragraph, one little paragraph all by itself.

In this period, this is in England, Clinton discovered a dangerous talent.

Who. Is that an oxymoron? How can a talent be dangerous?

Part of his gregarious and ingratiating way with all his friends: "A puppy-like eagerness and a drive to please."

That bears repeating fast: "A gregarious and ingratiating way with all his friends, a puppy-like eagerness and drive to please."

What are they talking about here? A man who was at Oxford with him, tells me, "Bill was one of the two people I have known in my life who were just amazingly successful with women. You would hear him and say to yourself, no one is going to believe that line, but they all did."

Whoa. Future President, a cocksman, a stud, as the one that woman just cannot resist; one of only two people in this guy's life, that no matter what they said to the women, "Oh, that's a cornball line," they would succumb to the cocked head, the doe-like eyes, the frozen smile, the open mouth and the biting of the lower lip. "Want to come back to my room at Oxford?" Unbelievable.

Mr. HUNTER. I have got a point to make here, though, if the gentleman will yield. If you compare Mr. Clinton's private life in which he may have betrayed one person, with his resistance

to his duty to serve his country in the military, he betrayed 200 million fellow Americans, and in particular somewhere, either in a national graveyard or perhaps living and working and walking in America today, perhaps wounded, perhaps not wounded, is the American, the young American, probably not wealthy, certainly not with influential friends like Mr. Clinton had who could call up and get him out of the draft, is the guy who took his place.

That is why Mr. Clinton can never be first in war, first in peace, first in the hearts of his countrymen.

I think the American people realize there are going to be other wars.

It is ironic that George Bush's success in foreign policy and his ability to win a war quickly with minimum casualties and to dissolve our enemy, the Soviet Union, has now accrued to his detriment, because that has made the focus shift to economic policy and it has caused, I think, a temporary lapse on the part of the American people who do not realize how very important that Commander-in-Chief hat is.

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Because that means not necessarily the unemployment rate changing a little bit or inflation moving a little bit or interest rates going somewhere, it means life and death.

I appreciate my great friend from Orange County making those remarks.

Mr. CUNNINGHAM. I would like to comment on what the gentleman just said a little bit, because economics, this country is hurting. It is in a recession. People are losing jobs, but if Bill Clinton gets in office, it is going to be a disaster for this country, his high tax and high spending. People have never seen a tax increase where they did not spend money.

Let me give you a classic example and it deals with the military and military construction. They came in and said, well, we saved under the President's request. Well, that was good. They did come in under the President's request, but in the Senate, the chairman of the Appropriations Committee and the chairman on the House side had only requested about $2.5 million, with all the billions of dollars that they saved coming in from Europe they got $155 million.

□ 2330

There are 40 of those line items, so, if we change the economy and cut defense, which is going to hurt, and I do not think anybody thinks that we are not going to be in another conflict in the next 20 years, Bill Clinton and his policies will be responsible for the lives and the deaths of men and women's children.

Secondly, Mr. Speaker, I grew up in a little town called Shelbina in Missouri. It has 2,113 folks, and I had a very good friend, Ronnie Colors, who was killed in Vietnam. It is one of the reasons I decided to go to Vietnam.

Mr. DORNAN of California. What was his name?

Mr. CUNNINGHAM. Ronnie Colors. He was in the Marine Corps, and he was in a helicopter that went down with, I think, 37 other marines and was killed, and my mother and father told me that we had a responsibility to this country.

That little town in Missouri is a very patriotic town, and, by the way, my mother and father were Democrats up to 3 months ago, and, until they came into my district, and now—

Mr. DORNAN of California. They wanted to see how the gentleman did in his first 2 years in office.

Mr. CUNNINGHAM. No, they wanted to see their grandchildren again, so they are not Republicans.

So, with their value systems in that small town with those great American people in the State of Missouri, they believe that we had an honor and a service to this country to uphold, and I had let them down. I was more involved in my own education, and put aside, and wanted to go in, and I was a teacher and a coach at the time, and I was exempt from going into the draft. But I volunteered, and I went there.

I have seen 19-year-old men cry when their pilots did not come back. I have been on the deck myself and wept, and I have also been there with anger so venomous that I never want to go through those emotions or feelings again at the Clintons, at the anitwar protesters, at the Jane Fondas and Tom Haydens, the people that got us killed.

Mr. Speaker, I have never allowed a Jane Fonda movie in my home, and I would say to my colleagues, "If Bill Clinton would be unlucky enough to become President of this country, I would take every medal that I had, and I would turn it upside-down and never wear it until he was out of office."

When the gentleman asks, "Will it affect American fighting men"—and I want to tell my colleagues I have talked to Micky Wiesner and other chairmen of the Joint Chiefs of Staff, and they do not support Clinton. I do not support Clinton, and it would be very difficult.

If I was a Democrat, and I say this sincerely from my heart, if I was a Democrat on the other side of the aisle, I could not support this man. It would choke me up so bad at what he has done to this country and not for this country that I cannot tell——

Mr. DONAN of California. He was in a junior high school today telling them he was going to give them condoms. He said that on MTV to the whole Nation.

Mr CUNNINGHAM. I would like to kind of stay on the subject of Bill Clinton and why it is important that he did not serve this country.

Mr. DORNAN of California. You bet.

Mr. CUNNINGHAM. Because the statement that I made, those that fight for life, has a special flavor for life that, protected, we will never know, and in that are the fathers, and the mothers, and the sisters, and the daughters, all the way from the people that we wear their MIA bracelets, and this was a Air Force guy, and I was a Navy guy, but his sister was in San Diego, and I would say to my colleagues that the lives that are on this wall, I guarantee if they could stand up today, they would not vote for governor Clinton.

I yield to the gentlemen for California [Mr. DORNAN]

Mr. DORNAN of California. DUKE and DUNCAN. Got Navy, Army, Air Force; two combatants and a sourpuss who went over to Vietnam eight times and volunteered—or actually harangued people to put me in the back seat of F-4's, Cobras, with my camera to record what they are doing after it took me about two or three nights to convince them that I was not a liberal puke reporter sending home wrong stories and gutting the efforts that they were involved in to try and stop communism, to do exactly what they did. We never dreamed they would kill two million people in Cambodia. We never dreamed they would execute 68,000 in Vietnam who associated with us, who looked up to us, who through we were the leading country in the Free World. We thought they might kill 5,000–10,000.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentlemen from California [Mr. CUNNINGHAM] has expired.

CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I am just going to take a few minutes here with my colleagues to wind up this important special order that I think is very important for America's veterans and for every family who has sent a family member off to fight for this country, and I would like to yield first to my great friend, the gentleman from California [Mr. DORNAN] and ask him to wind up this special order. Then I would like to yield to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. DORNAN of California. Well, that is proper order: the Air Force being the junior service, dating only back to September 17, 1948, but with a great Air Corps in Army Air Force tradition, and deferring to the senior service Navy, or actually senior service in the Army. Good way to close.

The gentleman from California [Mr. DUNCAN] mentioned to me this morning Sullivan Ballou. I see one of our great staffers coming on the floor, Gary Sullivan. What a great name. I mentioned

last night the five Sullivan Brothers: George, Frank, Joe, Madison, and Al; 29, 26, 23, 22, and 20 years of age, all going down off Guadalcanal. That 50th anniversary is coming up November 14. They all wanted to serve together because a friend got killed at Pearl Harbor from their meat packing company. It is the kind of working guy that the gentleman loves to represent and talk about, the salt of the Earth to use Christ's own words. That is the kind of guy these Sullivan brothers were. What a great name for a first name.

I think I am going to recommend to my grandkids Sullivan Dornan, that I am going to recommend that name as a first name.

The gentleman mentioned to me about Sullivan Ballou. I read his whole letter last night, not one-twentieth as well as it was presented on that great PBS series on the Civil War, but there is just one line in the middle that comes back to me here in front of me.

My wife's name is Sarah, Sally, and he is talking about how he loves her so much that it is like he is bound to her with mighty cable. Cable in 1861 was a big deal. They did not even have the Brooklyn Bridge. It was still 30 years away.

He says, "My love for you was bound by cables," and later he calls it "chains," and here is what he said:

"Sarah, my love for you is deathless. It seems to bind me with mighty cable that nothing but omnipotence can break, and yet my love of country comes over me like a strong wind and bears me irresistibly on with all of these chains to the battlefield."

Love of country in Sullivan Ballou's letter takes precedence over this mighty love of his wife and his little son, Edgar, and the younger brothers. That was love of country that we call patriotism. It is a powerful, powerful force, and, whether it is the five Sullivan Brothers or those kids 50 years ago in Guadalcanal, finally this month backed up by Army divisions in the Seventh Marine Regiment, relieving guys that have been fighting in constant combat for 2 months. The history of our country are saints working with the poor in social justice. It is people dying for civil rights. It is cops dying in an alley like one of the school friends of the gentleman from Washington [Mr. CHANDLER], our colleague who was shot in the back of the head, blew his brains out of the front of his head while he was eating a hamburger up in the State of Washington. We do not think of crime being like that in that corner of the country.

□ 2340

That is a lot of ways to serve your country, and warriors hate war. Chappy James, that big handsome, 6 foot 3 African-American Air Force four-star general who went out on the steps in 1968 and 1969 and met the pro Hanoi types, and some legitimate courageous pacifists in there who were not covering their assets with political viability.

No, this is a key issue, and that is why I brought it to the floor. That is why I am honored to have a combat Army man and a combat Navy ace join me.

I hope you will hand around a little bit tomorrow night and the next night, because we only have a few days left and the 102d Congress is history, and 31 days from today there is an election on November 3, and we are going to find out whether this country gives a man a second chance who is an excellent, wonderful man of dignity, a good father, grandfather, combat officer, made some mistakes. He won't make them again. Or whether we take a flier on a simple little word called change and act like the past is not prologue and means nothing for the future history of this country.

I will not go to the inauguration. I told that to a smiling Washington Post reporter in BOB MICHEL's office. He said what else will you not do? I said I will never have the words, Mr. President, come out of my mouth to Clinton.

He said what will you call him? I said Mr. Clinton, out of respect for the office, but I will never use the word President to him.

No, no. Americans have to think, think hard over the next month, what they want to take us through the remaining part of this bloody century that has seen so many heroes give that full measure of devotion to quote Lincoln again.

Mr. HUNTER. I thank the gentleman and yield to my colleague from San Diego, CA.

Mr. CUNNINGHAM. I thank the gentleman from California. I would like to make three succinct points. First of all, a small body in this Congress has made some changes. The Gang of Seven and the freshman class, to which I am proud to belong, closed down the bank and worked for the post office congressional reform.

There is going to be 150 new Members in this Congress with which President Bush is going to be able to carry out his economic policies and balance the budget and get a line-item veto, which was even turned down today by the other side of the aisle. When they saw that we were going to win that, they turned that back. We will have change, and that will be positive change for this country.

I want to thank again my friend BOB DORNAN, because a lot of the facts that are absolutely 100 percent documented in his special orders I was not aware of and I am sure the American people were not.

So BOB, I want to thank you for bringing this to light in a way that the American people can make their own judgments.

For Clinton to endorse a man named Mandela is ludicrous to me. I value the friendship of JOHN LEWIS on the other side of the aisle, who marched in Alabama, one of the first to do that. CRAIG WASHINGTON, who has given me guidance. Both of these Members are Members of the other side of the aisle in the Black Caucus.

Martin Luther King, Bishop McKinney in San Diego, Reverend Manley, people like this that worked for positive change and can come out and help Americans.

But for Clinton to endorse someone like Mandela, I think shows what his real direction is that he wants to go.

The last point I would like to make is that Governor Clinton, you lived only in your own fear in the 1960's and the early 1970's. The fear that myself and a lot of us that served in combat fear so bad that I wanted to throw up, fear so bad that at times after I got on a carrier deck after being shot down, I could not stand up, my legs were shaking so bad. And anger so mad that I hate to think of what that anger could have led to.

But you are going to have to live with your disgrace. I would forego and live that anger and live that fear again rather than face the disgrace that you must feel in your own heart.

I feel sorry for you, Governor Clinton. And if you are elected as President, which I know you are not going to be, God help you.

Mr. HUNTER. I thank the gentleman. Let me say before we close this special order out that really is a special order that belongs to DUKE CUNNINGHAM, my great friend from San Diego, and BOB DORNAN, my great friend from Orange County, that I want to say about Mr. DORNAN especially, that BOB, I appreciate what you have done, and I think we all owe you a real debt, as DUKE says, in bringing out facts that are shocking facts about Mr. Clinton's lack of service to the country and the demonstrations that he led against America, the coffins that he carried into our embassy in foreign lands which were sending war materiel to be used against Americans in the Vietnam conflict, things that in other times might have brought criminal charges of treason, but in these times I guess are viewed in retrospect to have been merely politically correct.

I think, BOB, you have done a great service to this body and to the country because you bring out facts that otherwise would not be turned up by the media. Because we know in this city, in Washington, DC, that facts are only facts for the media to disperse when they serve a politically correct conclusion. The politically correct conclusion that the media sees this year is not one which is consistent with Mr. Clinton being totally revealed in his lack of character during the Vietnam War, in his lack of service to the country, and

his refusal to grab that invisible bond that we have talked about that links 200 million Americans together. Maybe not Admiral Crowe in his hifalutin' position.

Mr. DORNAN of California. But certainly his son, Captain Crowe.

Mr. HUNTER. Certainly, Captain Crowe, and thousands and thousands of people who now are working in auto assembly lines and in blue collar positions and driving trucks and raising families around the country, who once carried the American flag in far-off places like Vietnam and Desert Storm.

So I want to thank you for what you have done, Mr. DORNAN, from Orange County, because you have been a corporate memory for this body that has expanded our knowledge of facts beyond what those who seek to put a politically correct suite of information in front of us every day in the media, in the electronics media and the written media, would have us see.

You have told us and told the American people a lot of things that are every bit as true as a number of other facts that we see every day, but are very little known because there is no dissemination of those facts. I doubt whether 2 percent of the American people are aware of the fact that Mr. Clinton demonstrated in Great Britain against the United States.

Mr. DORNAN of California. Far less.

Mr. HUNTER. And in Oslo, Norway, where he demonstrated.

I appreciate also the gentleman Mr. CUNNINGHAM for coming out here and showing the American people a little bit of that moral outrage that should be expressed, not just by DUKE CUNNINGHAM, but by everybody who ever walked across the threshold of a VFW installation in their town or an American Legion installation or fleet reserve or anybody else who ever took their grandson in the kitchen and said and let me tell you about the war and let me tell you what you have to do when you are 18 years old in this country is in a war.

Those are the people who should be expressing moral outrage. I like all the folks in the VFW, and I like the folks in the VFW, and I like the folks in the leadership in the VFW, and I just hope they would take their eyes off this short picture of what bills did you vote on today and did the Bush administration make mistakes with respect to the VA, and raise their vision from that short picture to the American flag waving down there in Arlington Cemetery right now, and that man named Martin Treptoe who Ronald Reagan referred to who was killed after he joined the Rainbow Division in 1917 in France, and whose diary when his friends found it said I must fight this war as if the success or failure of the United States depends on me alone.

That is the standard that we should be reaching for, and that should be invoking the moral outrage from every veteran in America.

Mr. CUNNINGHAM. I would ask my colleagues that tonight I will draft a letter to Admiral Crowe and ask him if he will turn down a political or elected position from Governor Clinton to show that he has not sold his soul, and we will mail that tomorrow.

Mr. DORNAN of California. Excellent. We will get a lot of signatures on it.

DUNCAN, I want to just close and ask you one thing. I want to see if I have some peculiar memory or something.

Do you remember when you registered for the draft on your 18th birthday?

Mr. HUNTER. As a matter of fact, I did not register. I joined. I volunteered.

□ 2350

I volunteered.

Mr. DORNAN of California. I meant just registered for the pool on your 18th birthday, went down and said, "Here I am, alive and breathing, and I am 18."

Mr. HUNTER. To tell the gentleman the truth, I cannot remember registering for anything. All I can remember is going down to the Post Office and going to the Marine Corps recruit station that was there, and this guy was off, going off to get lunch. Of course, my father was a marine, and I wanted to join the Marines. I walked to the next place and there was an Army guy, and he said, "You will have a great time in the Army," so I joined the Army. That is all I can remember.

Mr. DORNAN of California. Is joining?

Mr. HUNTER. I remember getting my 1.8 grade average at the University of California at Santa Barbara, which was a marvelous event.

Mr. CUNNINGHAM. You could have been chosen as a Rhodes Scholar.

Mr. HUNTER. Yes, but I fell a little short.

Mr. DORNAN of California. Do you remember when you went down and said, "I am alive and breathing;" no physicals, just registering?

Mr. CUNNINGHAM. I can remember. I can also remember I did not want to go to Vietnam. I did not want to go to war. I was glad my brother did not have to go, but yet he still signed up. He was in the Army as well. I did not want to go, and none of those other kids wanted to go, either. None of those kids, men and women that are all on the wall, wanted to go, but they did and they served this country.

Mr. DORNAN of California. The reason I remember the day is because it was precisely on my 18th birthday. Gen. Douglas MacArthur had just been fired by President Truman. Truman was right, on principle, and clearly had the power, and that is what we respect around here is civilian rule over the military, but on the facts of what they were arguing about, bombing the bridge, knocking off the Chinese before they were in hand-to-hand combat, seven to one against our men and the few remaining Korean troops, I went down and registered. I felt as though it were a passing rite. I felt it was like first communion or like my confirmation. I suddenly became a man.

I knew why my parents would never give me permission to join at 17.

Mr. CUNNINGHAM. You were not a boy?

Mr. DORNAN of California. I didn't feel like I was a boy. I remember, I was 6 feet tall, and she said, "You are 6 feet, red hair, blue eyes, that is just what we are looking for." I thought, "What are they drafting?" She said, "They are still up in the low twenties here in Los Angeles. Don't worry about it."

I felt, "Now I am a man. I am registered in that pool of young American males that is ready to serve their country or could be drafted." When I joined the Air Force, the draft notice was chasing me. It came 3 months after I was in the Air Force, and I loved that draft notice. I thought, "See, if I had not selected my service and passed my test to be a fighter pilot, I would be in the Army, may be in Korea. Maybe that was the way to go." I liked it that Uncle Sam was saying, "You, DORNAN, we got you."

I framed that and left it in may bedroom when I went off to pilot training. I thought being drafted was a call to honor, a call to not glory, that is God's call, but a call to honor.

That is what is so peculiar about this Presidential campaign and why I think President Bush is still in a state of shock. I watched the White House people and I watched Clinton. They said, "No, we are going to get BOB KERREY or somebody. Don't worry. He won't win. He will be flat out in the primaries."

He is smart. He postures further to the right. Carter won because he was further to the right. Our friend, Mo Udall, went to bed in Michigan, and when he woke up Carter was the winner.

I said, "No, no, the one to watch is Clinton, and you are going to be sorry if you think he is not." Now, bingo, the convention. President Bush was at 33 percent in California and he was at 58. That gap has collapsed about 20 points, but now it is a three-way race, and I want Adm. James Bond Stockdale to meet with us and tell us he is going to bring out Clinton's record, because he helps his senior partner, the Navy Annapolis graduate, to do that. I think Stockdale is an Annapolis graduate. I want these two Annapolis graduates, if they are going to beat up on their fellow naval officer, I want them to at least have the decency to bring out these facts to the American people

about Clinton, if this is going to be a three-way race.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman.

Mr. CUNNINGHAM. I also appreciate the gentleman' bringing up the point about Admiral Stockdale. I like Perot in a lot of ways. He wants change, like everybody else, but he is not going to be able to effect any more change than the President has today. He does have some good ideas. Again, I would like to focus.

I thank you, again, Mr. DORNAN, for bringing out to the American people these facts, because I did not know it myself. I was mad at just reading the letter, but the rest of these facts that you have brought out to show historically Clinton's running from the draft, running from school, running from the ROTC, and being an antiwar protester in Moscow and other countries, and having skulls, organizing those protests, things that I detested in 1973 when I wrote that book, and I was not a politician then. I am not speaking as a politician, but in my heart I cannot support, nor if I was a Democrat would I support, Governor Clinton. In my idea he is worse than Tokyo Rose. We could call him Kiev Clinton.

Mr. HUNTER. Unless one of the gentlemen has something else, we will conclude this special order.

CONFERENCE REPORT (H. REPT. 102-966)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1993".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Defense Conversion, Reinvestment, and Transition Assistance

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. General limitation.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. M-1 Abrams tank program.
Sec. 112. Procurement of AHIP scout helicopters.
Sec. 113. AH-64 Apache helicopter modifications.
Sec. 114. Armored vehicle upgrades.
Sec. 115. Chemical agent monitoring program.

Subtitle C—Navy Programs

Sec. 121. Shipbuilding and conversion programs.
Sec. 123. Airborne self protection jammer.
Sec. 123. AV-8B Harrier radar upgrade program.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. C-135 aircraft program.
Sec. 132. Live-fire survivability testing of C-17 aircraft.
Sec. 133. Correction of fuel leaks on C-17 production aircraft.
Sec. 134. C-17 aircraft program.
Sec. 135. Tactical electronic warfare aircraft upgrade program.
Sec. 136. F-16 aircraft program.

Subtitle E—Defense-Wide Programs

Sec. 141. Funding for certain tactical intelligence programs.
Sec. 142. MH-47E/MH-60K helicopter modification programs.

Subtitle F—Strategic Programs

Sec. 151. B-2 bomber aircraft program.
Sec. 152. Modernization of heavy bomber force.

Subtitle G—Chemical Demilitarization Program

Sec. 171. Change in chemical weapons stockpile elimination deadline.
Sec. 172. Chemical demilitarization citizens advisory commissions.
Sec. 173. Evaluation of alternative technologies.
Sec. 174. Alternative disposal process for low-volume sites.
Sec. 175. Revised chemical weapons disposal concept plan.
Sec. 176. Report on destruction of nonstockpile chemical material.
Sec. 177. Physical and chemical integrity of the chemical weapons stockpile.
Sec. 178. Sense of Congress concerning international consultation and exchange program.
Sec. 179. Technical amendments to section 1412.
Sec. 180. Definition of low-volume site.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

Sec. 191. Short title.
Sec. 192. Policy.
Sec. 193. Armament Retooling and Manufacturing Support Initiative.
Sec. 194. Facilities contracts.
Sec. 195. Reporting requirement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Manufacturing technology development.
Sec. 204. Strategic Environmental Research and Development Program.
Sec. 205. Endowment for Defense Industrial Cooperation.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Special operations variant of the V-22 Osprey aircraft.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Navy tactical aviation programs.
Sec. 215. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 216. Light Armored Vehicle 105-millimeter gun (LAV-105) program.
Sec. 217. Advanced research projects.
Sec. 218. Revision to Superconducting Magnetic Energy Storage Project.

Subtitle C—Missile Defense Programs

Sec. 231. Theater Missile Defense Initiative.
Sec. 232. Strategic Defense Initiative funding.
Sec. 233. Reporting requirements and transfer authorities for TMDI and SDI.
Sec. 234. Revision of the Missile Defense Act of 1991.
Sec. 235. Development and testing of anti-ballistic missile systems or components.
Sec. 236. Limitation regarding support services contracts of the Strategic Defense Initiative Organization.

Subtitle D—Other Matters

Sec. 241. Medical countermeasures against biowarfare threats.
Sec. 242. National Aero-Space Plane.
Sec. 243. LANDSAT remote-sensing satellite program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Humanitarian assistance.
Sec. 305. Support for the 1994 World Cup Games.
Sec. 306. Transfer authority.

Subtitle B—Limitations

Sec. 311. Prohibition on the use of certain funds for Pentagon Reservation.
Sec. 312. Prohibition on the use of funds for certain service contracts.

Subtitle C—Environmental Provisions

Sec. 321. Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities.
Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.
Sec. 323. Pilot program for expedited environmental response actions.
Sec. 324. Overseas environmental restoration.
Sec. 325. Evaluation of use of ozone-depleting substances by the Department of Defense.
Sec. 326. Elimination of use of class I ozone-depleting substances in certain military procurement contracts.
Sec. 327. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.
Sec. 328. Legacy Resource Management Fellowship Program.
Sec. 329. Supplemental authorization of appropriations for fiscal year 1992.

Sec. 330. Indemnification of transferees of closing defense property.
Sec. 331. Extension of authority to issue surety bonds for certain environmental programs.
Sec. 332. Report on indemnification of contractors performing environmental restoration.

Subtitle D—Defense Business Operations Fund

Sec. 341. Limitations on the use of Defense Business Operations Fund.
Sec. 342. Capital asset subaccount.
Sec. 343. Limitation on obligations against Defense Business Operations Fund.

Subtitle E—Depot-Level Activities

Sec. 351. Depot-level tactical missile maintenance.
Sec. 352. Limitations on the performance of depot-level maintenance of materiel.
Sec. 353. Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense.
Sec. 354. Repeal of requirement for competition pilot program for depot-level maintenance of materials.

Subtitle F—Commissaries and Military Exchanges

Sec. 361. Standardization of certain programs and activities of military exchanges.
Sec. 362. Accountability regarding the financial management and use of nonappropriated funds.
Sec. 363. Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities.
Sec. 364. Release of information regarding sales at commissary stores.
Sec. 365. Use of commissary stores by members of the Ready Reserve.

Subtitle G—Other Matters

Sec. 371. Extension of certain guidelines for reductions in the number of civilian positions in the Department of Defense.
Sec. 372. Annual report on security and control of supplies.
Sec. 373. Transportation of donated military artifacts.
Sec. 374. Subcontracting authority for Air Force and Navy depots.
Sec. 375. Consideration of vessel location for the award of layberth contracts for sealift vessels.
Sec. 376. Pilot program to use National Guard personnel in medically underserved communities.
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TITLE XLV—BUDGET

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1993 under the provisions of this Act is $273,921,787,000, of which the total amount authorized to be appropriated for fiscal year 1993 under the provisions of—

(1) division A is $253,454,264,000;
(2) division B is $8,389,833,000; and
(3) division C is $12,077,690,000.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Army as follows:

(1) For aircraft, $1,553,909,000.
(2) For missiles, $1,118,652,000.
(3) For weapons and tracked combat vehicles, $877,754,000.
(4) For ammunition, $829,444,000.
(5) For other procurement, $3,129,452,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Navy as follows:

(1) For aircraft, $5,899,395,000.
(2) For weapons, $3,700,098,000.
(3) For shipbuilding and conversion, $5,958,663,000.
(4) For other procurement, $5,660,684,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Marine Corps in the amount of $729,727,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Air Force as follows:

(1) For aircraft, $10,034,314,000.
(2) For missiles, $4,399,390,000.
(3) For other procurement, $7,894,396,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Defense Agencies in the amount of $1,950,704,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $134,000,000.
(2) For the Air National Guard, $290,100,000.
(3) For the Army Reserve, $27,500,000.
(4) For the Naval Reserve, $85,000,000.
(5) For the Air Force Reserve, $60,000,000.
(6) For the Marine Corps Reserve, $9,000,000.
(7) For operational support aircraft, $90,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $515,300,000.

SEC. 108. MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Air Force may use funds appropriated to the Air Force for fiscal year 1993 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the procurement of satellites number 23 through 25 under the Defense Support Program.

Subtitle B—Army Programs

SEC. 111. M-1 ABRAMS TANK PROGRAM.

(a) TANK INDUSTRIAL BASE.—None of the funds appropriated for the Army pursuant to this Act or for fiscal year 1991 or 1992 may be used to initiate or implement closure of any portion of the tank industrial base.

(b) REVISION IN FISCAL YEAR 1992 PROVISIONS.—The text of section 111 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1303) is amended to read as follows:

"Of the amount authorized to be appropriated for fiscal year 1992 pursuant to section 103(3)(A), $225,000,000 shall be available for the

remanufacture of M1 tanks and may be used only to remanufacture M1 tanks to the M1A2 configuration.".

SEC. 112. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1993 pursuant to section 101.

SEC. 113. AH-64 APACHE HELICOPTER MODIFICATIONS.

Section 113 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1304) is repealed.

SEC. 114. ARMORED VEHICLE UPGRADES.

Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following:

"(j) TANK AND INFANTRY VEHICLE UPGRADES.—(1) Funds received from the sale of tanks under this section shall be available for the upgrading of tanks for fielding to the Army.

"(2) Funds received from the sale of infantry fighting vehicles or armored personnel carriers under this section shall be available for the upgrading of infantry fighting vehicles or armored personnel carriers for fielding to the Army.

"(3) Paragraphs (1) and (2) apply only to the extent provided in advance in appropriations Acts.

"(4) This subsection applies with respect to funds received from sales occurring after September 30, 1989.".

SEC. 115. CHEMICAL AGENT MONITORING PROGRAM.

The Improved Chemical Agent Monitor (ICAM) may not be procured for the Armed Forces until the Secretary of the Army—

(1) completes an analysis of the initial production test results of the Chemical Agent Monitor (CAM);

(2) submits to Congress a report containing a discussion of the reliability and consistency of the laboratory-tested and field-tested Chemical Agent Monitor; and

(3) determines, and notifies Congress in writing, that all design and production deficiencies of the Chemical Agent Monitor have been identified and corrected before the resumption of obligation of funds for procurements under the Chemical Agent Monitoring Program.

Subtitle C—Navy Programs

SEC. 121. SHIPBUILDING AND CONVERSION PROGRAMS.

(a) SCN PROGRAMS.—Amounts authorized to be appropriated under section 102(a)(3) are available for shipbuilding and conversion programs as follows:

For the aircraft carrier replacement program, $832,200,000.

For the CVN aircraft carrier refueling overhaul advance procurement program, $6,800,000.

For the CGN cruiser refueling overhaul advance procurement program, $30,439,000.

For the Arleigh Burke guided missile destroyer program, $3,319,643,000.

For the LHD-1 amphibious assault ship program, $1,205,000,000.

For the MHC-1 coastal minehunter program, $246,205,000.

For the oceanographic ship conversion program, $19,500,000.

For the service craft program, $126,028,000.

For outfitting, $385,321,000.

For post-delivery, $223,105,000.

For first destination transportation, $6,031,000.

(b) UNDISTRIBUTED REDUCTION.—The sum of the amounts provided under subsection (a) for fiscal year 1993 for the programs referred to in that subsection is reduced by $441,609,000 in order to be within the total amount authorized to be appropriated for that fiscal year under section 102(a)(3).

SEC. 122. AIRBORNE SELF PROTECTION JAMMER.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 1993 or any fiscal year before fiscal year 1993 may be used for the procurement of the Airborne Self Protection Jammer system except for the payment of the costs of terminating existing contracts for the procurement of the Airborne Self Protection Jammer system.

(b) EFFECTIVENESS OF LIMITATION.—This section shall take effect upon submittal by the Secretary of Defense to the congressional defense committees of notice that the Airborne Self Protection Jammer system has been determined by the Secretary to be either not operationally effective or not operationally suitable in operational testing.

SEC. 123. AV-8B HARRIER RADAR UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated for the AV-8B radar upgrade program or for the remanufacture of AV-8B aircraft requiring installation of a new fuselage.

Subtitle D—Air Force Programs (Nonstrategic)

SEC. 131. C-135 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force, $439,500,000 shall be available for the modification of C-135 aircraft as follows:

(1) $87,600,000 shall be available to reengine four KC-135Q aircraft.

(2) $219,000,000 shall be available to reengine 10 KC-135E aircraft for the Air National Guard.

(3) $65,700,000 shall be available, if the RC-135 aircraft is selected under section 141, to reengine three RC-135 aircraft or, if the RC-135 aircraft is not selected under section 141, to reengine three KC-135 aircraft (in addition to those referred to in paragraphs (1) and (2)).

(4) $51,600,000 shall be available for the open skies sensor system.

(5) $15,600,000 shall be available for miscellaneous C-135 aircraft modifications.

SEC. 132. LIVE-FIRE SURVIVABILITY TESTING OF C-17 AIRCRAFT.

(a) APPLICABILITY OF EXISTING LAW.—The C-17 transport aircraft shall be considered to be a covered system for purposes of survivability testing under section 2366 of title 10, United States Code.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in subsection (c) of such section with respect to the application of the survivability tests of that section to the C-17 transport aircraft notwithstanding that such program has entered full-scale engineering development.

(c) REPORT REQUIREMENT.—If the Secretary of Defense submits a certification under subsection (c) of such section that live-fire testing of the C-17 system under such section would be unreasonably expensive or impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the C-17 system be made available for any alternative live-fire test program.

(d) FUNDING.—The funds required to carry out any alternative live-fire testing program for the C-17 aircraft system shall be made available from amounts appropriated for the C-17 program for fiscal year 1993.

SEC. 133. CORRECTION OF FUEL LEAKS ON C-17 PRODUCTION AIRCRAFT.

(a) CERTIFICATION OF CONTRACTOR CORRECTION UNDER WARRANTY.—The Secretary of the Air Force shall (except as otherwise provided under subsection (b)) certify to the congressional defense committees that the repair of the fuel leaks on production C-17 aircraft will be carried out by the contractor (under the warranty provisions of the production contract for such aircraft) at no additional cost to the Government and with no additional consideration to the contractor for production aircraft under the C-17 program by reason of the repair of the C-17 fuel leaks.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of the Air Force is unable to make the certification referred to in subsection (a), the Secretary—

(1) shall carry out the repair of the fuel leaks at an Air Logistics Center in the continental United States; and

(2) shall submit to the congressional defense committees a report notifying the committees that the Secretary is unable to make such a certification and setting forth a schedule for conducting the repair of the fuel leaks pursuant to paragraph (1).

SEC. 134. C-17 AIRCRAFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated pursuant to section 103(1)—

(1) not more than $1,810,635,000 shall be available for procurement for the C-17 aircraft program other than advance procurement and procurement of spare parts; and

(2) not more than $250,905,000 shall be available for advance procurement for the C-17 aircraft program.

(b) FISCAL YEAR 1993 LIMITATION.—In addition to the limitation contained in section 133(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1311), none of the funds appropriated for the Department of Defense for fiscal year 1993 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees the report referred to in section 133(b) of that Act.

(c) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 that are made available for the C-17 aircraft program (other than funds for advance procurement) may be obligated before—

(1) the Secretary of the Air Force—

(A) convenes the Scientific Advisory Board to determine the technical feasibility of carrying out a service life extension program for the C-141 aircraft fleet and to review programmed depot maintenance policies and practices for the C-141 aircraft fleet; and

(B) acts to limit the retirement of any operationally capable C-141 aircraft until a decision is made concerning a service life extension for the C-141 fleet;

(2) the Secretary of Defense convenes a special Defense Acquisition Board to review the C-17 aircraft program;

(3) the special Defense Acquisition Board submits to the Secretary of Defense a report on the C-17 aircraft program, including the matters described in subsection (d); and

(4) the Secretary of Defense submits the report of that board, including the material referred to in subsection (d), to the congressional defense committees.

(d) MATTERS TO BE INCLUDED IN REVIEW.—The review (referred to in subsection (c)(2)) that is conducted by the special Defense Acquisition Board shall include—

(1) an assessment by the Joint Requirements Oversight Council (JROC) of the adequacy of the requirements for the C-17 aircraft;

(2) an analysis by a federally funded research and development center of the cost and operational effectiveness of the C-17 aircraft pro-

gram taking into consideration complementary mixes of other aircraft; and

(3) an affordability assessment of the program, performed by the Cost Analysis Improvement Group in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation.

(e) PROHIBITION RELATING TO PRODUCTION CAPABILITY.—None of the funds provided under subsection (a) for the C-17 aircraft program may be used to increase the current rate at which the contractor could produce C-17 aircraft.

(f) INITIATIVE ON COST, PERFORMANCE, AND MANAGEMENT.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish an initiative to maintain control over costs, contractor performance, and management performance within the C-17 aircraft program.

(2) The initiative shall include the following elements:

(A) The establishment of a management plan which provides for the decisions to commit to specified levels of production to be linked to progress in meeting specified program milestones, including testing milestones of such critical performance elements as—

(i) maximum range and maximum payload performance;

(ii) short airfield performance;

(iii) ground mobility in restricted airfield conditions;

(iv) low altitude parachute extraction capability;

(v) air drop capability; and

(vi) sustainable utilization rate performance.

(B) The establishment of a program for promoting increased interaction between the prime contractor and major program subcontractors on management and performance issues.

(C) The establishment of a senior management review group to report directly to the Under Secretary of Defense for Acquisition on the status of aircraft capability, program management, schedule, and cost.

(D) The establishment of a system maturity matrix.

(3) Not later than April 1, 1993, the Secretary of Defense shall submit to the congressional defense committees a report on the initiative. The report shall include a description of the measures taken to implement the initiative, including actions taken with respect to each of the elements specified in paragraph (2), and a description of the criteria and milestones to be used in evaluating actual program performance against specified program performance.

(g) FUNDING LIMITATION ON FISCAL YEAR 1993 ADVANCE PROCUREMENT FUNDS.—(1) None of the funds made available pursuant to subsection (a)(2) may be obligated until the Secretary of Defense certifies to the congressional defense committees that—

(A) the aircraft designated as the P-9 aircraft has moved to the "major join" stage of production with no less than 90 percent of its assembly completed in position; and

(B) the assembly of the aircraft designated as the P-14 aircraft has begun at the final assembly facility.

(2) A certification of the Secretary under paragraph (1) shall be based on findings transmitted to the Secretary by the Defense Plant Representative Office.

SEC. 135. TACTICAL ELECTRONIC WARFARE AIRCRAFT UPGRADE PROGRAM.

Not more than 65 percent of the funds authorized to be appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for the Air Force EF-111 aircraft System Improvement Program (SIP) upgrade program until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, whether the EF-111 aircraft fleet is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of that determination; and

(B) if that determination is that such fleet is to be retained in the inventory, a certification that the System Improvement Program upgrade program for the EF-111 aircraft, and the operating and support costs for the fleet of EF-111 aircraft, are fully budgeted in the future-years defense program.

SEC. 136. F-16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated for the F-16 program for fiscal year 1993 or otherwise made available for the F-16 program may be obligated for advance procurement or any purposes other than the production of 24 F-16 aircraft and associated spare parts and support equipment until the Secretary of Defense has complied with the provisions of sections 901 and 902.

Subtitle E—Defense-Wide Programs

SEC. 141. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

(a) AUTHORIZATION.—Of the funds authorized to be appropriated under section 104, $56,962,000 shall be available for modernizing either EP-3 Aries aircraft or RC-135 Rivet Joint aircraft.

(b) LIMITATION.—None of the funds provided under subsection (a) or funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for Navy EP-3 aircraft or Air Force RC-135 aircraft until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, which of those two aircraft best meets the intelligence requirements of the Department and, therefore, is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of the determination under paragraph (2); and

(B) a determination of the total requirements for the selected aircraft, taking into consideration the contribution of related systems such as the Navy ES-3 aircraft and the Air Force U-2 and C-130 Senior Scout aircraft.

(c) TRANSFER AUTHORITY.—(1) Upon determination of which aircraft referred to in subsection (a) best meets the intelligence requirements of the Department, and subject to the limitations in subsection (b), the Secretary of Defense may transfer the amount referred to in subsection (a) to either the Navy for procurement of EP-3 modifications or to the Air Force for procurement of RC-135 modifications, depending upon which aircraft was selected.

(2) The transfer authority in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

SEC. 142. MH-47E/MH-60K HELICOPTER MODIFICATION PROGRAMS.

(a) REQUIRED TESTING.—Notwithstanding the requirements of subsections (a) (2) and (b) of section 2366 of title 10, United States Code, and the requirements of subsection (a) of section 2399 of such title—

(1) operational test and evaluation and survivability testing of the MH-60K helicopter under the MH-60K helicopter modification program shall be completed prior to full materiel release of the MH-60K helicopters for operational use; and

(2) operational test and evaluation and survivability testing of the MH-47E helicopter under the MH-47E helicopter modification program shall be completed prior to full materiel release of the MH-47E helicopters for operational use.

(b) REPEAL OF SUPERSEDED LAW.—Section 143 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1313) is repealed.

Subtitle F—Strategic Programs

SEC. 151. B-2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1993 for procurement of aircraft, not more than $2,686,572,000 may be obligated for procurement for the B-2 bomber aircraft program.

(b) B-2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of completing procurement of aircraft for the B-2 bomber program, procurement of spares and parts, and payment of all termination costs under the B-2 program.

(c) LIMITATION ON NUMBER OF B-2 AIRCRAFT.—A total of not more than 20 deployable B-2 bomber aircraft plus one test aircraft may be procured.

(d) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds referred to in subsection (a), not more than $900,000,000 may be obligated until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications referred to in section 131(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1306);

(B) the report under subsection (e); and

(C) the report under subsection (f);

(2) the Secretary provides to the Comptroller General of the United States for his review and evaluation the reports required under subsection (e) and (f) and 30 calendar days thereafter have elapsed; and

(3) after (A) the submission of the reports and certifications required by section 131 of Public Law 102-190, and the reports required under paragraph (1), and (B) either the review period specified in paragraph (2) has elapsed or the Comptroller General has delivered to the congressional defense committees his review of the reports required under subsections (e) and (f), whichever occurs first, there is enacted an Act which permits the obligation of such funds for the procurement of B-2 bomber aircraft.

(e) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—A report of the Secretary of Defense referred to in subsection (d)(1)(B) is a report submitted to the congressional defense committees that includes the following:

(1) The assessment by the Secretary of Defense of the extent to which the B-2 aircraft will meet its original low observability (including radar cross section) operational performance objectives, including objectives which were not fulfilled in a B-2 flight test in July 1991.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to improve the B-2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing by the date of the submission of the report required by this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the likelihood that a B-2 aircraft having the low observable characteristics projected for the aircraft can survive in the execution in the future of its primary mission as a penetrating nonnuclear bomber, as compared to the likelihood that a B-2 aircraft meeting all of its original radar cross section operational performance objectives contained in the current development contract can survive in the execution of such a mission.

(f) REPORT ON COST OF PROGRAM FOR 20 B-2 AIRCRAFT.—A report of the Secretary of Defense

referred to in subsection (d)(1)(C) is a report submitted to the congressional defense committees that describes the total acquisition costs associated with a B-2 program resulting in 20 deployable aircraft, including all costs associated with research, development, test, and evaluation and procurement (including all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, any Government liability associated with termination, and other Government costs).

SEC. 152. MODERNIZATION OF HEAVY BOMBER FORCE.

(a) PLAN FOR TESTING.—(1) The Secretary of Defense shall prepare a plan to evaluate heavy bombers (other than the B-2 bomber) in operational test ranges and facilities to demonstrate the effectiveness in conventional scenarios of both missions involving combined force package and missions involving only heavy bombers (other than the B-2 bomber).

(2) The aircraft to be tested under the plan include—

(A) B-52H bombers; and

(B) B-1 bombers.

(3) The plan shall be designed—

(A) to provide an assessment of the contribution afforded air operational commanders through the use of heavy bombers (other than the B-2 bomber);

(B) to evaluate advanced conventional munitions capabilities;

(C) to evaluate the effectiveness of heavy bombers (other than the B-2 bomber) in both missions involving combined force package and missions involving only heavy bombers (other than the B-2 bomber); and

(D) to provide a baseline of current capabilities of heavy bombers (other than the B-2 bomber).

(b) EVALUATION OF SURVIVABILITY AND EFFECTIVENESS TESTING CAPABILITY.—(1) The Secretary of Defense shall conduct an assessment of the current capability of the Department of Defense to carry out survivability flight testing and operational effectiveness flight testing of heavy bombers (other than the B-2 bomber) against a set of defenses and defended target arrays that are representative of a broad range of potential defenses that those bombers might encounter during conventional conflicts during the next 20 years.

(2) The Secretary shall carry out paragraph (1) with the assistance of—

(A) the Secretary of the Air Force;

(B) the Vice Chairman of the Joint Chiefs of Staff (in the Vice Chairman's capacity as chairman of the Joint Requirements Oversight Council);

(C) the Director of Operational Test and Evaluation of the Department of Defense; and

(D) an independent panel to be established by the Secretary in accordance with the provisions of section 121(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1379).

(c) MATTERS TO BE COVERED BY ASSESSMENT.—As part of the assessment under subsection (b), the Secretary of Defense shall determine the following:

(1) The capability of the Department of Defense to design an operationally representative test that would use threat assets that are currently fielded by the Department and that would include—

(A) cued defenses and uncued defenses;

(B) individual air defense systems as well as multiple air defenses; and

(C) survivability and operational effectiveness with and without external assets for suppression or disruption of simulated enemy air defenses.

(2) The required quantitative measurements that are adequate to permit extrapolation of test data developed through the operationally representative test to untested scenarios with reasonable confidence levels.

(3) The capability of the Department to design tests to permit the evaluation of the effect that use of advanced conventional munitions currently under development would have on the survivability and effectiveness of the aircraft.

(d) REPORTING REQUIREMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees the plan for evaluating heavy bombers required by subsection (a)(1). The plan shall include an evaluation of the usefulness of such testing in determining the contribution of heavy bombers (other than the B-2 bomber) in conventional scenarios.

(2) The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, on the results of the assessment conducted pursuant to subsection (b). The report shall—

(A) identify deficiencies in the numbers, performance, capability, and fidelity of air defense threats and threat simulators available for operational testing; and

(B) include an analysis of the cost and lead-times necessary for obtaining, for testing purposes, a representation of current and likely future air defenses that is adequate for evaluating proposed modifications to B-1B and B-52H bomber aircraft.

(3) Within 60 days after the date of the submission of the plan under paragraph (1) and the report under paragraph (2), the Comptroller General of the United States shall review the report (including the recommendations in the report) and the plan and shall provide the congressional defense committees his views on the report and the plan.

Subtitle G—Chemical Demilitarization Program

SEC. 171. CHANGE IN CHEMICAL WEAPONS STOCKPILE ELIMINATION DEADLINE.

Section 1412(b)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(b)(5)), is amended by striking out "July 31, 1999" and inserting in lieu thereof "December 31, 2004".

SEC. 172. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) ESTABLISHMENT.—(1) The Secretary of the Army shall establish a citizens' commission for each State in which there is a low-volume site (as defined in section 180). Each such commission shall be known as the "Chemical Demilitarization Citizens' Advisory Commission" for that State.

(2) The Secretary shall also establish a Chemical Demilitarization Citizens' Advisory Commission for any State in which there is located a chemical weapons storage site other than a low-volume site, if the establishment of such a commission for such State is requested by the Governor of that State.

(b) FUNCTIONS.—The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect to which a commission is established pursuant to subsection (a).

(c) MEMBERSHIP.—(1) Each commission established for a State pursuant to subsection (a) shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State; the other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

(2) For purposes of paragraph (1), affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

(d) CONFLICTS OF INTEREST.—For a period of five years after the termination of any commission, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(e) CHAIRMAN.—The members of each commission shall designate the chairman of the commission from among the members of the commission.

(f) MEETINGS.—Each commission shall meet with a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less than often than twice a year and may meet more often at their discretion.

(g) PAY AND EXPENSES.—Members of each commission shall receive no pay or compensation for their involvement in their activities of the commission.

(h) TERMINATION OF COMMISSIONS.—Each commission shall be terminated after the stockpile located in that commission's State has been destroyed.

SEC. 173. EVALUATION OF ALTERNATIVE TECHNOLOGIES.

(a) REPORT.—Not later than December 31, 1993, the Secretary of the Army shall submit to Congress a report on the potential alternatives to the use of the Army's baseline disassembly and incineration process for the disposal of lethal chemical agents and munitions. The report shall include the following:

(1) An analysis of the report of the Committee on Alternative Chemical Demilitarization Technologies of the National Research Council of the National Academy of Sciences.

(2) Any recommendations that the National Academy of Sciences makes to the Army regarding the report of that committee, together with the Secretary's evaluation of those recommendations.

(3) A comparison of the baseline disassembly and incineration process with each alternative technology evaluated in the report of such committee that the National Academy of Sciences recommends for use in the Army Chemical Stockpile Disposal Program, taking into consideration each of the following factors:

(A) Safety.

(B) Environmental protection.

(C) Cost effectiveness.

(4) For each alternative technology recommended by the National Academy of Sciences, the date by which the Army could reasonably be expected to systematize, construct, and test the technology, obtain all necessary environmental and other permits necessary for using that technology for the disposal of lethal chemical agents and munitions, and have the technology available for full-scale chemical weapons destruction and demilitarization operations.

(5) A description of alternatives to incineration that are being developed by Russia for use in its chemical demilitarization program and an assessment of the extent to which such alternatives could be used to destroy lethal chemical weapons in the United States inventory of such weapons.

(6) Consideration of appropriate concerns arising from meetings of the Chemical Demilitarization Citizens' Advisory Commissions established pursuant to section 172.

(7) In any case in which the criteria specified in section 174 are met, notification that the Secretary intends to implement an alternative technology disposal process at a low-volume site.

(b) LIMITATION.—(1) Except as provided in paragraphs (2) and (3), the Secretary of the Army may not commence site preparation for, or construction of, a facility for disassembly and incineration of chemical agents until the report required under subsection (a) is submitted to Congress.

(2) The limitation in paragraph (1) does not apply to any facility for disassembly and incineration of chemical agents (of the eight such facilities identified in the Army Chemical Stockpile Disposal Program) at which site preparation or construction has commenced before the date of the enactment of this Act.

(3) Except as provided in section 175, the limitation in paragraph (1) does not apply to the following:

(A) Facility design activities.

(B) The obtaining of environmental permits.

(C) Project planning.

(D) Procurement of equipment for installation in a facility.

(E) Dual purpose depot support construction projects which are needed to ensure the continuing safe storage of chemical weapons stocks and their ultimate disposal regardless of the technology employed.

SEC. 174. ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROCESS.—If the date by which chemical weapons destruction and demilitarization operations can be completed at a low-volume site using an alternative technology process evaluated by the Secretary of the Army falls within the deadline established by the amendment made by section 171 and the Secretary determines that the use of that alternative technology process for the destruction of chemical weapons at that site is significantly safer and equally or more cost-effective than the use of the baseline disassembly and incineration process, then the Secretary of the Army, as part of the requirement of section 1412(a) of Public Law 99-145, shall carry out the disposal of chemical weapons at that site using such alternative technology process. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites using an alternative technology process (rather than the baseline process) after notifying Congress of the Secretary's intent to do so.

(b) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 175. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—If, pursuant to section 174, the Secretary of the Army is required to implement an alternative technology process for destruction of chemical weapons at any low-volume site, the Secretary shall submit to Congress a revised chemical weapons disposal concept plan incorporating the alternative technology process and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99-145 (50 U.S.C. 1521(b)), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule resulting from the revised stockpile elimination deadline by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include—

(1) life-cycle cost estimates and schedules; and

(2) a description of the facilities and operating procedures to be employed using the alternative technology process.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN.—If the Secretary is required to submit a revised concept plan under this section, the Secretary shall submit the revised concept plan not later than 180 days after the date on which the Secretary submits the report required under section 173.

(e) LIMITATION.—If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design activities required to comply with subsection(b)(2)) for a chemical weapons disposal facility at any low-volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.

SEC. 176. REPORT ON DESTRUCTION OF NON-STOCKPILE CHEMICAL MATERIAL.

(a) REPORT REQUIRED.—(1) Not later than February 1, 1993, the Secretary of the Army shall submit to Congress a report setting forth the Army's plans for destroying all chemical warfare material of the United States not covered by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), that would be required to be destroyed if the United States became a party to a chemical weapons convention described in paragraph (2).

(2) The chemical weapons convention referred to in paragraph (1) is a chemical weapons convention that is substantially the same as the final draft of the proposed international Chemical Weapons Convention (CWC) tabled by the Chairman of the United Nations Conference on Disarmament Ad Hoc Committee on Chemical Weapons on June 22, 1992 (CD/CW/WP.400/Rev.1).

(b) MATERIALS TO BE COVERED BY REPORT.—The chemical warfare material covered by the report shall include the following:

(1) Binary chemical munitions.

(2) Buried chemical munitions.

(3) Chemical munitions recovered from ranges.

(4) Chemical weapons production facilities.

(5) All other chemical warfare material referred to in subsection (a).

(c) MATTERS TO BE INCLUDED IN REPORT.—The report shall include the following:

(1) A list of all suspected locations (including ranges) of buried or unexpended chemical munitions.

(2) An estimate of the number of such munitions and, of that number, how many of such munitions are planned to be destroyed.

(3) An inventory of the former chemical weapons production facilities and previously contaminated storage containers and the plans for destroying those facilities and containers.

(4) An inventory of the binary chemical munitions and the plans for destroying those munitions.

(5) The locations at which the chemical warfare materials and facilities referred to subparagraphs (A) through (D) will be destroyed.

(6) A description of the use, if any, that will be made of the Chemical Agent and Munitions Disposal System (CAMDS) facility, Tooele, Utah, in the destruction of those chemical warfare materials, as well as possible future uses of that facility for the destruction of conventional munitions or for research and development of possible alternative technologies for the destruction of chemical munitions.

(7) For the chemical warfare materials that cannot be destroyed in place or on site, a description of the means to be used for transporting the materials to disposal facilities.

(8) An estimate of the cost of destroying such chemical warfare materials and facilities.

(9) An estimate of the time that will be necessary to destroy such chemical warfare materials and facilities and the Secretary's determination of the likelihood that such materials and facilities can be destroyed by December 31, 2004.

(10) A determination as to whether it is a realistic option to transport chemical agents and munitions currently stored at low-volume disposal sites to other locations for destruction instead of destroying those munitions at those sites, taking into consideration safety, cost effectiveness, and the potential obligations of the United States under a chemical weapons convention to transport substantial quantities of chemical warfare munitions and materials not in the United States stockpile of lethal chemical agents and munitions to various locations for destruction.

SEC. 177. PHYSICAL AND CHEMICAL INTEGRITY OF THE CHEMICAL WEAPONS STOCKPILE.

(a) REPORT REQUIRED.—Not later than May 1, 1993, the Secretary of the Army shall submit to Congress a report on the physical and chemical integrity of the existing chemical weapons that are contained in the chemical weapons stockpile of the United States and are stored within the eight chemical weapons storage sites within the continental United States.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A critical analysis of the near-term, mid-term, and long-term storage life of all chemical materials and chemical munitions contained within the storage sites referred to in subsection (a).

(2) For each class of chemical munitions and chemical agents, an analysis of the overall frequency of leaks of the munitions and agents and the frequency of leaks of the munitions and agents at each storage site.

(3) For each class of munitions and agents and for each storage site, a description of the finite risks and potential harm to human health and environmental quality that are associated with such catastrophic events as container breach, spontaneous munition ignition, and leak.

(4) A critical analysis of the risks associated with the storage of the chemical munitions and chemical agents in each class of chemical munitions and chemical agents that are stored at each storage site through December 31, 2004.

(5) A discussion of actions that could be taken to minimize or eliminate the risks identified pursuant to paragraphs (1) through (4).

SEC. 178. SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 179. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(1)" before "Notwithstanding any other provision of law,"; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)";

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "report other than the first one" and inserting in lieu thereof "such report"; and

(D) by redesignating paragraph (4) as paragraph (3).

SEC. 180. DEFINITION OF LOW-VOLUME SITE.

For purposes of this subtitle, the term "low-volume site" means one of the three chemical weapons storage sites in the United States at which there is stored 5 percent or less of the total United States stockpile of unitary chemical weapons.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

SEC. 191. SHORT TITLE.

This subtitle may be cited as the "Armament Retooling and Manufacturing Support Act of 1992".

SEC. 192. POLICY.

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, nondefense commercial firms to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States that, to a significant extent, are manufactured outside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of Government-owned industrial plants and equipment for commercial purposes;

(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the defense industrial base of the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the Armed Forces of the United States; and

(9) to encourage facility contracting where feasible.

SEC. 193. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) AUTHORITY FOR INITIATIVE.—During fiscal years 1993 and 1994, the Secretary of the Army may carry out a program to be known as the "Armament Retooling and Manufacturing Support Initiative" (hereinafter in this subtitle referred to as the "ARMS Initiative").

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army for commercial purposes.

(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use such facilities for those purposes.

(3) To reduce the adverse effects of reduced Department of the Army spending that are experienced by States and communities by providing for such facilities to be used for commercial purposes that create jobs and promote prosperity.

(4) To provide for the reemployment and retraining of skilled workers who, as a result of the closing of such facilities, are idled or underemployed.

(5) To contribute to the attainment of economic stability in economically depressed regions of the United States where there are Government-owned, contractor-operated ammunition manufacturing facilities of the Department of Army.

(6) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(7) To be a model for future defense conversion initiatives.

(8) To the maximum extent practicable, to allow the operation of Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army to be rapidly responsive to the forces of free market competition.

(9) Through the use of Government-owned, contractor-operated ammunition manufacturing facilities for commercial purposes, to encourage relocation of industrial production to the United States from outside the United States.

(c) AVAILABILITY OF FACILITIES.—The Secretary of the Army may make the Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army available for the purposes of the ARMS Initiative.

SEC. 194. FACILITIES CONTRACTS.

(a) IN GENERAL.—In the case of each Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is made available for the ARMS Initiative, the Secretary of the Army may, by contract, authorize the facility contractor—

(1) to use the facility for one or more years consistent with the purposes of the ARMS Initiative; and

(2) to enter into multiyear subcontracts for the commercial use of the facility consistent with such purposes.

(b) FACILITY CONTRACTOR DEFINED.—For purposes of subsection (a), the term "facility contractor", with respect to a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army, means a contractor that, under a contract with the Secretary of the Army—

(1) is authorized to manufacture ammunition or any component of ammunition at the facility; and

(2) is responsible for the overall operation and maintenance of the facility for meeting planned requirements in the event of an industrial emergency.

SEC. 195. REPORTING REQUIREMENT.

Not later than July 1, 1993, the Secretary of the Army shall submit to the congressional defense committees a report on the ARMS initiative. The report shall contain—

(1) a comprehensive review of contracting of Government-owned, contractor-operated ammunition manufacturing facilities, under the ARMS Initiative; and

(2) any recommendations the Secretary may have for changes to the ARMS Initiative.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,919,048,000.

(2) For the Navy, $8,984,717,000.

(3) For the Air Force, $14,231,700,000.

(4) For the Defense Agencies, $10,478,115,000, of which—

(A) $261,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,983,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $4,374,912,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $374,620,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army, $51,000,000.

(2) For the Navy, $119,250,000.

(3) For the Air Force, $138,370,000.

(4) For the Defense Logistics Agency, $29,000,000.

(5) For the Office of the Secretary of Defense, $37,000,000.

(b) WORKER SKILLS.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to section 203, shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

SEC. 204. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 205. ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.

(a) REPORT.—The Secretary of Defense shall prepare a report on the benefits and limitations of establishing a United States-Israel Endowment for Defense Industrial Cooperation with the following objectives:

(1) To promote and support joint defense industrial activities of mutual benefit to the United States and Israel.

(2) To promote and support joint commercialization of defense technologies of mutual benefit to the United States and Israel.

(3) To strengthen a mutually beneficial defense trade program between the United States and Israel.

(b) DEADLINE.—The Secretary shall submit to Congress the report required by subsection (a) no later than August 1, 1993.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $755,000,000 shall be used only for the V-22 Osprey aircraft program.

(b) USE OF FUNDS FOR CURRENT AND PRIOR FISCAL YEARS.—The amount made available for fiscal year 1993 for the V-22 Osprey aircraft program pursuant to subsection (a) and the amounts that were authorized and appropriated for preceding fiscal years for that program may be used only for—

(1) the development and manufacture of V-22 Osprey or derivative tiltrotor aircraft for operational testing; and

(2) the operational testing of such aircraft.

(c) REPORT.—(1) The Commandant of the Marine Corps shall submit to the congressional defense committees a report on the crash of the V-22 Osprey prototype aircraft that occurred on July 20, 1992. The report shall include a discussion of the following matters:

(A) The cause or causes of the crash.

(B) The extent to which a redesign of a system might be required to correct the condition or conditions that caused the crash.

(C) The effects of the crash on the cost, schedule, and technical risk of the V-22 Osprey development and testing program.

(2) Not more than 50 percent of the amount appropriated for the Navy for fiscal year 1993 and made available for the V-22 Osprey aircraft program may be obligated for such program until the Commandant has submitted the report required by paragraph (1).

SEC. 212. SPECIAL OPERATIONS VARIANT OF THE V-22 OSPREY AIRCRAFT.

Of the amounts authorized to be appropriated pursuant to section 201(4), $15,000,000 shall be available for research, development, test, and evaluation in connection with the special operations variant of the V-22 Osprey aircraft.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized by law.

SEC. 214. NAVY TACTICAL AVIATION PROGRAMS.

(a) A-X AIRCRAFT PROGRAM.—The Secretary of Defense shall restructure the acquisition plan for the A-X aircraft program to provide for development, demonstration, and validation of at least two prototypes for each of the two most promising proposals received from concept exploration. In restructuring such acquisition strategy, the Secretary shall require the following:

(1) That the prototype designs for such aircraft, to the maximum extent feasible, use technologies for engines, radar, and avionics that are derived from the F-117, A-12, B-2, or F-22 aircraft programs or that are currently available in existing aircraft.

(2) That the aircraft design to be used for the program be selected through the use of competitive procedures.

(b) FA-18E/F AIRCRAFT PROGRAM.—The Secretary of the Navy may not obligate any funds for procurement for the F-18E/F multirole aircraft program until—

(1) the Secretary has completed an early operational assessment of the aircraft design based in part on flight performance of not less than two research and development prototype aircraft; and

(2) the Director of Operational Test and Evaluation of the Department of Defense has approved the operational assessment plan for the program.

SEC. 215. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1317) is amended—

(1) in subsection (a), by striking out "during fiscal years 1993 through 1997" and inserting in lieu thereof "during fiscal years 1994 through 1997"; and

(2) in subsection (b), by striking out "not later than June 1 of the calender year in which that fiscal year begins" and inserting in lieu thereof "coincident with the submission of the budget for that fiscal year".

SEC. 216. LIGHT ARMORED VEHICLE 105-MILLIMETER GUN (LAV-105) PROGRAM.

(a) REINSTATEMENT OF LAV-105 Program.—Unless the development program for the Light Armored Vehicle 105-millimeter (LAV-105) gun has been reinstated and the funds appropriated for that program for fiscal year 1992 have been obligated by the date of the enactment of this Act, the Secretary of the Navy, not later than 60 days after the date of the enactment of this Act shall—

(1) reinstate the program for engineering and manufacturing systems development of the LAV-105 vehicle; and

(2) obligate the funds provided for fiscal year 1992 for development and evaluation of the LAV-105 vehicle prototype.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, or otherwise made available, for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $14,700,000 shall be available for completion of the development and operational testing of the LAV-105 vehicle.

SEC. 217. ADVANCED RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 10 and 11 of such Act (15 U.S.C. 3710, 3710a).".

SEC. 218. REVISION TO SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) PROGRAM PLAN.—The Secretary of Defense, acting through the Director of the Defense Nuclear Agency, shall revise and proceed with the program plan submitted pursuant to section 220(b) of Public Law 102-190 (105 Stat. 1320) to revise and build an engineering test model for the Superconducting Magnetic Energy Storage Project.

(b) REVISIONS REQUIRED.—The Secretary shall revise the program plan for the Superconducting Magnetic Energy Storage Project to include the following:

(1) Background information on prior plans, on completed work, and on the specific history of Phases 1 and 2 of the Department of Defense's project.

(2) An improved and expanded management plan which establishes a distinct Project Office in the Department of Defense or in the Department of Energy.

(3) A project organizational structure which includes two oversight elements, as follows:

(A) An executive management steering committee composed of representatives of the Department of Defense, the Department of Energy, and the Electric Power Research Institute and representatives of any host utility and contributing sponsors.

(B) A technical review committee to provide a forum of United States experts to review the program progress and technical results and efforts to investigate the utiltiy of superconducting magnetic energy storage, with a requirement that the reviews be conducted at least quarterly and findings be reported to the Director, Defense Research and Engineering.

(4) Details of planned technical tasks that include—

(A) superconductor experiments that significantly increase the electric current capacity of superconducting magnetic energy storage experiments conducted in previous phases;

(B) new system sizing and costing studies of the engineering test model for extrapolation to both smaller and larger systems;

(C) materials and construction experiments and studies that lead to total system cost reduction; and

(D) system studies to determine potential applications of superconducting magnetic energy storage, including military, commercial, and scientific utility of the engineering test model.

(5) Plans to secure cost sharing for the project.

(c) SCHEDULE.—The Secretary shall submit the revised plan to Congress not later than 30 days after the date of the enactment of this Act.

(d) FUNDING.—The Secretary shall use unobligated funds appropriated for fiscal year 1992 for research, development, test, and evaluation to conduct the scientific investigations pertaining to this section, including contracting with the Department of Energy for appropriate participation in the studies.

(e) REVISION TO FISCAL YEAR 1992 PROVISIONS.—(1) Section 220(b) of Public Law 102-190 (105 Stat. 1320) is amended—

(A) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "and by participating private sector firms."; and

(B) by striking out paragraph (3).

(2) Title IV of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1166), is amended in the paragraph under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES" by striking out "Provided further, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage system within 60 days after enactment of this Act:".

Subtitle C—Missile Defense Programs

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) ESTABLISHMENT OF THEATER MISSILE DEFENSE INITIATIVE.—The Secretary of Defense shall establish a Theater Missile Defense Initiative office within the Department of Defense. All theater and tactical missile defense activities of the Department of Defense (including all programs, projects, and activities formerly associated with the Theater Missile Defense program element of the Strategic Defense Initiative) shall be carried out under the Theater Missile Defense Initiative.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $935,000,000 may be obligated for activities of the Theater Missile Defense Initiative, of which not less than $90,000,000 shall be made available for exploration of promising concepts for naval theater missile defense.

(c) REPORT.—When the President's budget for fiscal year 1994 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the proposed allocation by the Secretary of funds for the Theater Missile Defense Initiative for fiscal year 1994, shown for each program, project, and activity;

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2005 for the programs, projects, and activities associated with the Theater Missile Defense Initiative;

(3) assessing the possible near-term contribution and cost-effectiveness for theater missile defense of exoatmospheric capabilities, to include at a minimum a consideration of—

(A) the use of the Navy's Standard missile combined with a kick stage rocket motor and lightweight exoatmospheric projectile (LEAP); and

(B) the use of the Patriot missile combined with a kick stage rocket motor and LEAP.

(d) EFFECTIVE DATE.—The provisions of subsections (a), (b), and (c) shall be implemented not later than 90 days after the date of the enactment of this Act.

SEC. 232. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $3,039,800,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $2,039,800,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) not more than $300,000,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $300,000,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(4) not more than $400,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(d) CONSTRUCTION OF AUTHORITY IN RELATION TO USER OPERATIONAL EVALUATION SYSTEM.—Nothing in this Act shall be construed to authorize the exercise of any option to fabricate or field elements of a User Operational Evaluation System at the initial anti-ballistic missile defense site.

SEC. 233. REPORTING REQUIREMENTS AND TRANSFER AUTHORITIES FOR TMDI AND SDI.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Theater Missile Defense Initiative and the Strategic Defense Initiative for fiscal year 1993. The report shall specify the amount of such funds allocated for each program, project, and activity of the Theater Missile Defense Initiative and the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element and list each Theater Missile Defense Initiative program, project, and activity.

(b) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (a) and notwithstanding the limitations set forth in sections 231(b) and 232(b) of this Act, the Secretary of Defense may transfer funds among the Strategic Defense Initiative program elements named in section 232(b) of this Act and from such elements to the Theater Missile Defense Initiative.

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232(b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in section 232(b) for the Strategic Defense Initiative program element to which the transfer is made and may not result in an increase of more than 10 percent of the amount provided in section 231(b) for the Theater Missile Defense Initiative.

(3) RESTRICTION.—Transfer authority under paragraph (1) may not be used for a decrease in funds indentified in section 231(b) for the Theater Missile Defense Initiative.

(4) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—Section 232(a) of the Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 105 Stat. 1321) is amended by striking out "(a)" and all that follows through the end of the paragraph (1) and inserting in lieu thereof the following:

"(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—It is a goal of the United States to—

"(1) comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or amendment thereto, while deploying an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles;".

(b) ELIMINATION OF THEATER MISSILE DEFENSE PROGRAM ELEMENT FROM SDI.—(1) Section 235(a) of such Act (105 Stat. 1323) is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 236 of such Act (105 Stat. 1323) is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections, (b), (c), and (d), respectively.

(c) IMPLEMENTATION OF GOAL.—Subsection (b) of section 233 of such Act (105 Stat. 1322) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense shall develop advanced theater missile defense systems for deployment.

"(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop for deployment a cost-effective, operationally effective, and ABM Treaty-compliant antiballistic missile system at a single site as the initial step toward deployment of an antiballistic missile system described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system components to be developed shall include—

"(A) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor or interceptors;

"(B) fixed, ground-based, antiballistic missile battle management radars; and

"(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based antiballistic missile interceptors and providing initial targeting vectors, and other sensor systems that are not prohibited by the ABM Treaty, including specifically the Ground Surveillance and Tracking System.".

(d) FOLLOW-ON TECHNOLOGY RESEARCH.—(1) Subsection (c) of section 234 of such Act (105 Stat. 1323) is amended to read as follows:

"(c) TRANSFER OF MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.—

"(1) TRANSFER REQUIRED.—As the Strategic Defense Initiative Organization (SDIO) transitions from a broadly based research organization to a focused acquisition agency, maintaining responsibility for research and development of far-term follow-on technologies in that organization could distract management and result in funding shortfalls as the Strategic Defense Initiative Organization's priorities increasingly center on near-term deployment architectures. Accordingly, the Secretary of Defense shall transfer management and budget responsibility for research and development of all far-term follow-on technologies currently under the Strategic Defense Initiative Organization to the Defense Advanced Research Projects Agency (DARPA) or the appropriate military department, unless the Secretary determines, and certifies to the congressional defense committees, that transfer of a particular far-term follow-on technology currently under the Strategic Defense Initiative Organization would not be in the national security interests of the United States.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system within 10 to 15 years after the date of the enactment of this Act.".

(2)(A) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report identifying—

(i) those programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993 which the Secretary is transferring to a military department or the Defense Advanced Research Projects Agency; and

(ii) those programs, projects, and activities under the Other Follow-On Technologies program element which the Secretary certifies are necessary in the national security interests of the United States to maintain under the Strategic Defense Initiative Organization.

(B) For purposes of subparagraph (A), the term "programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993' means the programs, projects, and activities listed under the Other Follow-On Technologies program element for fiscal year 1993 in the report submitted to the congressional defense committees on July 2, 1992 pursuant to section 233(b)(3) of the Missile Defense Act of 1991.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES FOR SDI PROGRAM ELEMENTS.—Section 236 of such Act (105 Stat. 1323) is amended—

(1) in subsection (a), by striking out "by fiscal year 1996" in the second sentence; and

(2) in subsection (d), by inserting "and which the Secretary has determined are necessary in the national security interests of the United States to be maintained under the Strategic Defense Initiative Organization" before the period at the end.

(f) REVIEW OF FOLLOW-ON DEPLOYMENT OPTIONS.—Section 238 of such Act (105 Stat. 1326)

is amended by striking out "of fiscal year 1996" in the first sentence.

SEC. 235. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1993, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1993 or for any fiscal year before 1993, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the July 1992 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the July 1992 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1993 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term "July 1992 SDIO Report" means the report entitled, "1992 Report to Congress on the Strategic Defense Initiative," prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431).

SEC. 236. LIMITATION REGARDING SUPPORT SERVICES CONTRACTS OF THE STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

(a) LIMITATION.—Of the amounts that are appropriated to the Department of Defense for fiscal year 1993 pursuant to the authorizations of appropriations contained in this Act and are made available for the Strategic Defense Initiative Organization, not more than $135,000,000 may be expended for the procurement of support services.

(b) DEFINITION.—For purposes of subsection (a), the term "support services" means any of the following:

(1) Professional, administrative, and management support services.

(2) Special studies and analyses.

(3) Services contracted for under section 3109 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 241. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1993, not more than $59,670,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a) other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section:

(1) The term "validated biowarfare threat agent" means a biological agent that—

(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

(2) The term "near-term validated biowarfare threat agent" means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

(3) The term "mid-term validated biowarfare threat agent" means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

(4) The term "far-term validated biowarfare threat agent" means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

(5) The term "weaponization" means incorporation into usable ordnance or other militarily useful means of delivery.

SEC. 242. NATIONAL AERO-SPACE PLANE.

(a) FUNDING LIMITATION.—Notwithstanding any other provision of law, funds made available to the Department of Defense may not be obligated for the National Aero-Space Plane program for any fiscal year in an amount greater than twice the amount provided for that program in the appropriations Act making appropriations for that fiscal year for the Department of Housing and Urban Development and for independent agencies.

(b) EFFECTIVE DATE.—Subsection (a) applies with respect to fiscal years after fiscal year 1993.

SEC. 243. LANDSAT REMOTE-SENSING SATELLITE PROGRAM.

Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized to contract for the development and procurement of, and support for operations of, the Landsat vehicle designated as Landsat 7.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $13,901,912,000.

(2) For the Navy, $19,532,996,000.

(3) For the Marine Corps, $1,558,515,000.

(4) For the Air Force, $16,592,857,000.

(5) For the Defense Agencies, $9,266,879,000.

(6) For the Army Reserve, $1,014,773,000.

(7) For the Naval Reserve, $865,492,000.

(8) For the Marine Corps Reserve, $75,171,000.

(9) For the Air Force Reserve, $1,214,287,000.

(10) For the Army National Guard, $2,238,013,000.

(11) For the Air National Guard, $2,513,175,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,700,000.

(13) For the Defense Inspector General, $125,200,000.

(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,263,400,000.

(15) For the Court of Military Appeals, $5,893,000.

(16) For Environmental Restoration, Defense, $1,513,200,000.

(17) For Humanitarian Assistance, $25,000,000.

(18) For the Defense Health Program, $9,159,039,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1993 World University Games, $6,000,000.

(21) For support for the 1994 World Cup Games, $9,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,145,000,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1993 from the Armed Forces Retirement Home Trust Fund the sum of $62,728,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(17) shall be available for the purposes of section 2551 of title 10, United States Code, as added by subsection (c), including the transportation of humanitarian relief for the people of Afghanistan and Cambodia.

(2) Of the funds authorized to be appropriated for fiscal year 1993 pursuant to section 301(17) for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer, pursuant to section 2551(b) of such title, not more than $3,000,000 of the funds referred to in subsection (a)(1).

(c) CODIFICATION OF AUTHORITY AND ADMINISTRATIVE PROVISIONS.—(1) Subchapter II of chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2551. Humanitarian assistance

"(a) AUTHORIZED ASSISTANCE.—To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.

"(b) AUTHORITY TO TRANSFER FUNDS.—To the extent provided in defense authorization Acts

for a fiscal year, the Secretary of Defense may transfer to the Secretary of State funds appropriated for the purposes of this section to provide for—

"(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

"(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

"(c) TRANSPORTATION OF HUMANITARIAN RELIEF.—(1) Transportation of humanitarian relief provided with funds appropriated for the purposes of this section shall be provided under the direction of the Secretary of State.

"(2) Such transportation shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide such transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

"(3) Nothing in this subsection shall be construed as waiving the requirements of section 2631 of this title and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).

"(d) AVAILABILITY OF FUNDS.—To the extent provided in appropriations Acts, funds appropriated for humanitarian assistance for the purposes of this section shall remain available until expended.

"(e) STATUS REPORTS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance pursuant to this section.

"(2)(A) Whenever there is enacted a defense authorization Act that contains an authorization of appropriations for humanitarian assistance, a report referred to in paragraph (1) shall be submitted as provided in that paragraph not later than 60 days after the date of the enactment of that Act.

"(B) In addition to reports submitted as provided in subparagraph (A), a report shall be submitted under paragraph (1) not later than June 1 of each year.

"(3) Each report required by paragraph (1) shall cover all provisions of law, contained in defense authorization Acts, that authorize appropriations for humanitarian assistance to be available for the purposes of this section. A report submitted after the obligation of all amounts appropriated pursuant to such a provision of law shall not cover that provision of law.

"(4) Subject to paragraph (3), a report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, to whom the transfer is made, the quantity of items transferred, the acquisition value of the items transferred, and the value of the items at the time of the transfer.

"(f) REPORT REGARDING RELIEF FOR UNAUTHORIZED COUNTRIES.—In any case in which the Secretary of Defense provides for the transportation of humanitarian relief to a country to which the transportation of humanitarian relief has not been specifically authorized by law, the Secretary shall notify the Committees on Appropriations and on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the Secretary's intention to provide such transportation. The notification shall be submitted not less than 15 days before the commencement of such transportation.

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2551. Humanitarian assistance.".

(d) LAWS COVERED BY INITIAL REPORTS.—For purposes of subsection (e) of section 2551 of title 10, United States Code, as added by subsection (c), section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333), and the humanitarian relief laws referred to in subsection (f)(4) of section 304 of that Act (as in effect on the day before the date of the enactment of this Act) shall be considered as provisions of law that authorized appropriations for humanitarian assistance to be available for the purposes of section 2551 of title 10, United States Code.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333) is amended by striking out subsection (f).

SEC. 305. SUPPORT FOR THE 1994 WORLD CUP GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1994 World Cup Games to be held in the United States.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in section 301(21).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1994 World Cup Games.

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1993.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Not more than $3,054,000,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1993 in amounts as follows:

(A) For the Army, $2,229,000,000.

(B) For the Navy, $94,500,000.

(C) For the Marine Corps, $58,500,000.

(D) For the Air Force, $672,000,000.

(2)(A) A transfer under this subsection may be made only to the extent that the military department concerned has received credit on the books of the Defense Business Operations Fund for unneeded secondary items returned to the Fund by that military department.

(B) If the Secretary of Defense certifies to the congressional defense committees that a military department has, to the greatest extent practicable, returned for credit on the books of the Defense Business Operations Fund all secondary items not needed by such military department that were under the control of such military department on October 1, 1992, then on and after the date of the certification the limitation in subparagraph (A) shall not apply to transfers to that military department.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $400,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1993 in amounts as follows:

(1) For the Army, $100,000,000.

(2) For the Navy, $100,000,000.

(3) For the Air Force, $100,000,000.

(4) For the Defense Agencies, $100,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

(a) PROHIBITION.—(1) Except as provided in paragraph (3), none of the funds appropriated to the Department of Defense for fiscal year 1993 may be used to contribute to the Pentagon Reservation Maintenance Revolving Fund for any purpose other than for the actual and necessary day-to-day operation of the Pentagon Reservation, including complying with health and safety requirements.

(2) None of the funds appropriated pursuant to authorizations provided in this Act or any other Act may be transferred to the Pentagon Reservation Maintenance Revolving Fund for the purpose of renovation.

(3) Funds appropriated to the Department of Defense for fiscal year 1993 may be used for replacement of the central heating and cooling plant located on the Pentagon Reservation.

(b) REPORT.—Not later than April 15, 1993, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a revised renovation program for the Pentagon Reservation. Such program shall—

(1) provide justification for the scope and timing of any renovation of the Pentagon Reservation based upon—

(A) the long-term administrative space requirements of the Department of Defense in the National Capital Region;

(B) requirements directly concerned with health and safety; and

(C) the most cost-effective options to meet the requirements described in subparagraphs (A) and (B);

(2) specifically address the need and economic justification for any expansion of the Pentagon;

(3) address the practicality and cost of any renovation of the Pentagon Reservation without relocating significant numbers of employees; and

(4) update the 1988 National Capital Region Master Development Plan of the Department of Defense, providing justification for the current and future need for defense activities in the Na-

tional Capital Region and outlining options to meet the facility needs of the Department of Defense based upon the force structure and personnel strengths planned for fiscal years 1994 through 1998.

(c) DEFINITIONS.—In this section, the terms "National Capital Region" and "Pentagon Reservation" have the meaning given those terms, respectively, in section 2674(f) of title 10, United States Code.

SEC. 312. PROHIBITION ON THE USE OF FUNDS FOR CERTAIN SERVICE CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on September 30, 1993, enter into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 or any successor administrative regulation or policy.

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) shall not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1993 for the Environmental Restoration, Defense, account pursuant to the authorization of appropriations provided in section 301(16) may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of activities funded by the account.

SEC. 323. PILOT PROGRAM FOR EXPEDITED ENVIRONMENTAL RESPONSE ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to expedite the performance of on-site environmental restoration at—

(1) military installations scheduled for closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note);

(2) military installations scheduled for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(3) facilities for which the Secretary is responsible under the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code.

(b) SELECTION OF INSTALLATIONS AND FACILITIES.—(1) For participation in the pilot program, the Secretary shall select—

(A) 2 military installations referred to in subsection (a)(1);

(B) 4 military installations referred to in subsection (a)(2), consisting of—

(i) 2 military installations scheduled for closure as of the date of the enactment of this Act; and

(ii) 2 military installations included in the list transmitted by the Secretary no later than April 15, 1993, pursuant to section 2903(c)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) and recommended in a report transmitted by the President in that year pursuant to section 2903(e) of such Act and for which a joint resolution disapproving such recommendations is not enacted by the deadline set forth in section 2904(b) of such Act; and

(C) not less than 4 facilities referred to in subsection (a)(3) with respect to each military department.

(2)(A) Except as provided in subparagraph (B), the selections under paragraph (1) shall be made not later than 60 days after the date of the enactment of this Act.

(B) The selections under paragraph (1) of military installations described in subparagraph (B)(ii) of such paragraph shall be made not later than 60 days after the date on which the deadline (set forth in section 2904(b) of such Act) for enacting a joint resolution of disapproval with respect to the report transmitted by the President has passed.

(3) The installations and facilities selected under paragraph (1) shall be representative of—

(A) a variety of the environmental restoration activities required for facilities under the Defense Environmental Restoration Program and for military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

(B) the different sizes of such environmental restoration activities to provide, to the maximum extent practicable, opportunities for the full range of business sizes to enter into environmental restoration contracts with the Department of Defense and with prime contractors to perform activities under the pilot program.

(c) EXECUTION OF PROGRAM.—Subject to subsection (d), and to the maximum extent possible, the Secretary shall, in order to eliminate redundant tasks and to accelerate environmental restoration at military installations, use the authorities granted in existing law to carry out the pilot program, including—

(1) the development and use of innovative contracting techniques;

(2) the use of all reasonable and appropriate methods to expedite necessary Federal and State administrative decisions, agreements, and concurrences; and

(3) the use (including any necessary request for the use) of existing authorities to ensure that environmental restoration activities under the pilot program are conducted expeditiously, with particular emphasis on activities that may be conducted in advance of any final plan for environmental restoration.

(d) PROGRAM PRINCIPLES.—The Secretary shall carry out the pilot program consistent with the following principles:

(1) Activities of the pilot program shall be carried out subject to and in accordance with all applicable Federal and State laws and regulations.

(2) Competitive procedures shall be used to select the contractors.

(3) The experience and ability of the contractors shall be considered, in addition to cost, as a factor to be evaluated in the selection of the contractors.

(e) PROGRAM RESTRICTIONS.—The pilot program established in this section shall not result in the delay of environmental restoration activities at other military installations and former sites of the Department of Defense.

SEC. 324. OVERSEAS ENVIRONMENTAL RESTORATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in carrying out environmental restoration activities at military installations outside the United States, the President should seek to obtain an equitable division of the costs of environmental restoration with the nation in which the installation is located.

(b) REPORT.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98-525 (22 U.S.C. 1928) information, in classified and unclassified form, describing the efforts undertaken and the progress made by the President in carrying out subsection (a) during the period covered by the report.

SEC. 325. EVALUATION OF USE OF OZONE-DEPLETING SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF USE OF CLASS I SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class I substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class I substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995;

(2) determine the quantity of each class I substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies;

(3) determine the type and quantity of class I substances whose use will be critical to the missions of the military departments and Defense Agencies after 1995;

(4) determine the type and quantity of class I substances that must be stockpiled after 1995 in order to ensure the availability of such substances, including the availability of used, reclaimed, or recycled class I substances for the missions referred to in paragraph (3);

(5) review the plans, if any, to reclaim, recycle, reuse, and maintain the stockpile referred to in paragraph (4); and

(6) identify each specific site, facility, or vessel in connection with which the Secretary of Defense will seek an exemption pursuant to section 604(f) of the Clean Air Act (42 U.S.C. 7671c(f)) to permit the continued production or use of class I substances, and the type and quantity of each class I substance that will be produced or used in connection with the site, facility, or vessel.

(b) EVALUATION OF USE OF CLASS II SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class II substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class II substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995; and

(2) determine the quantity of each class II substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies.

(c) REPORT.—(1) The Director of the Defense Logistics Agency shall submit to the congres-

sional defense committees a report on the status of the evaluation required under subsection (a) not later than April 1, 1993.

(2) The Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the status of the evaluation required under subsection (b) not later than October 1, 1993.

(d) DEFINITIONS.—In this section:

(1) The term "class I substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "class II substance" means any substance listed under section 602(b) of the Clean Air Act (42 U.S.C. 7671a(b)).

SEC. 326. ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES IN CERTAIN MILITARY PROCUREMENT CONTRACTS.

(a) ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES.—(1) No Department of Defense contract awarded after June 1, 1993, may include a specification or standard that requires the use of a class I ozone-depleting substance or that can be met only through the use of such a substance unless the inclusion of the specification or standard in the contract is approved by the senior acquisition official for the procurement covered by the contract. The senior acquisition official may grant the approval only if the senior acquisition official determines (based upon the certification of an appropriate technical representative of the official) that a suitable substitute for the class I ozone-depleting substance is not currently available.

(2)(A)(i) Not later than 60 days after the completion of the first modification, amendment, or extension after June 1, 1993, of a contract referred to in clause (ii), the senior acquisition official (or the designee of that official) shall carry out an evaluation of the contract in order to determine—

(I) whether the contract includes a specification or standard that requires the use of a class I ozone-depleting substance or can be met only through the use of such a substance; and

(II) in the event of a determination that the contract includes such a specification or standard, whether the contract can be carried out through the use of an economically feasible substitute for the ozone-depleting substance or through the use of an economically feasible alternative technology for a technology involving the use of the ozone-depleting substance.

(ii) A contract referred to in clause (i) is any contract in an amount in excess of $10,000,000 that—

(I) was awarded before June 1, 1993; and

(II) as a result of the modification, amendment, or extension described in clause (i), will expire more than 1 year after the effective date of the modification, amendment, or extension.

(iii) A contract under evaluation under clause (i) may not be further modified, amended, or extended until the evaluation described in that clause is complete.

(B) If the acquisition official (or designee) determines that an economically feasible substitute substance or alternative technology is available for use in a contract under evaluation, the appropriate contracting officer shall enter into negotiations to modify the contract to require the use of the substitute substance or alternative technology.

(C) A determination that a substitute substance or technology is not available for use in a contract under evaluation shall be made in writing by the senior acquisition official (or designee).

(D) The Secretary of Defense may, consistent with the Federal Acquisition Regulation, adjust the price of a contract modified under subparagraph (B) to take into account the use by the contractor of a substitute substance or alternative technology in the modified contract.

(3) The senior acquisition official authorized to grant an approval under paragraph (1) and the senior acquisition official and designees authorized to carry out an evaluation and make a determination under paragraph (2) shall be determined under regulations prescribed by the Secretary of Defense. A senior acquisition official may not delegate the authority provided in paragraph (1).

(4) Each official who grants an approval authorized under paragraph (1) or makes a determination under paragraph (2)(B) shall submit to the Secretary of Defense a report on that approval or determination, as the case may be, as follows:

(A) Beginning on October 1, 1993, and continuing for 8 calendar quarters thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding quarter not later than 30 days after the end of such quarter.

(B) Beginning on January 1, 1997, and continuing for 4 years thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding year not later than 30 days after the end of such year.

(5) The Secretary shall promptly transmit to the Committees on Armed Services of the Senate and House of Representatives each submitted to the Secretary under paragraph (4). The Secretary shall transmit the report in classified and unclassified forms.

(b) COST RECOVERY.—In any case in which a Department of Defense contract is modified or a specification or standard for such a contract is waived at the request of a contractor in order to permit the contractor to use in the performance of the contract a substitute for a class I ozone-depleting substance or an alternative technology for a technology involving the use of a class I ozone-depleting substance, the Secretary of Defense may adjust the price of the contract in an manner consistent with the Federal Acquisition Regulation.

(c) DEFINITIONS.—In this section:

(1) The term "class I ozone-depleting substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "Federal Acquisition Regulation" means the single Government-wide procurement regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).

SEC. 327. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

(a) PROHIBITION.—No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

(b) TECHNICAL AMENDMENT.—Section 335 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1342) is amended by striking out "or fiscal year 1993".

SEC. 328. LEGACY RESOURCE MANAGEMENT FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Legacy Fellowship Program in Natural and Cultural Resource Management (in this section referred to as the "Legacy Fellowship Program"). The Legacy Fellowship Program is a part of the Legacy Resource Management Program established pursuant to section 8120 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1905).

(b) PURPOSES.—The purposes of the Legacy Fellowship Program are as follows:

(1) To support the purposes of the Legacy Resource Management Program set forth in section 8120(b) of such Act.

(2) To provide training to civilian personnel and military personnel in the management of natural and cultural resources.

(c) FELLOWS.—(1) The Legacy Fellowship Program shall be composed of not less than 3 fellows who shall be appointed by the Deputy Assistant Secretary of Defense for Environment. Such fellows shall be appointed from among qualified persons in the military and civilian sectors.

(2)(A) Each fellow who is an officer or employee of the United States shall serve without compensation in addition to that received for the services as an officer or employee of the United States. Any such service shall be without interruption or loss of civil service status or privilege.

(B) The Deputy Assistant Secretary of Defense shall fix (in an amount the Deputy Assistant Secretary determines appropriate) the compensation of the fellows, if any, who are not officers or employees of the United States. Such fellows shall not be considered employees of the Federal Government other than for purposes of chapter 81 of title 5, United States Code.

(3) Fellows shall serve for a term of one year and may be reappointed for an additional term of one year.

(4) The Deputy Assistant Secretary of Defense shall assign the fellows to an agency, office, or other entity (other than the Office of the Deputy Assistant Secretary of Defense for Environment) that is responsible for the implementation of the Legacy Resource Management Program in the Department of Defense. Upon assignment, the fellow shall assist the agency, office, or entity in carrying out the purposes of the Legacy Resource Management Program.

(d) FUNDING.—Of the funds authorized to be appropriated in fiscal year 1993 for the Department of Defense and made available for the Legacy Resource Management Program, $100,000 may be used for the Legacy Fellowship Program. Such funds shall be available for obligation without fiscal year limitation.

SEC. 329. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

In addition to the amounts otherwise authorized to be appropriated for fiscal years 1992 and 1993 in this Act there is authorized to be appropriated for such fiscal years—

(1) for Environmental Restoration, Defense, the total amount of $447,500,000; and

(2) for the Department of Defense Base Closure Account 1990 the total amount of $35,000,000.

SEC. 330. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) IN GENERAL.—(1) Except as provided in paragraph (3) and subject to subsection (b), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) that is closed pursuant to a base closure law.

(2) The persons and entities described in this paragraph are the following:

(A) Any State (including any officer, agent, or employee of the State) that acquires ownership or control of any facility at a military installa-

tion (or any portion thereof) described in paragraph (1).

(B) Any political subdivision of a State (including any officer, agent, or employee of the State) that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(b) CONDITIONS.—No indemnification may be afforded under this section unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) furnishes to the Department of Defense copies of pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section; and

(4) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this section for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in subsection (a)(1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(2) In any case described in paragraph (1), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this section.

(d) ACCRUAL OF ACTION.—For purposes of subsection (b)(1), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in subsection (a) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) described in subsection (a)(1).

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) The terms "facility", "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601 (9), (14), (22), and (33)).

(2) The term "military installation" has the meaning given such term under section 2687(e)(1) of title 10, United States Code.

(3) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of the enactment of this Act.

SEC. 331. EXTENSION OF AUTHORITY TO ISSUE SURETY BONDS FOR CERTAIN ENVIRONMENTAL PROGRAMS.

(a) CERCLA.—(1) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619) is amended—

(A) in subsection (e)(2)(C), by striking out "January 1, 1993" and inserting in lieu thereof "January 1, 1996,"; and

(B) in subsection (g)(5), by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Subsection (g)(1) of such section is amended—

(A) by striking out "the Miller Act, 40 U.S.C. sections 270a-270f," and inserting in lieu thereof "the Act of August 24, 1935 (40 U.S.C. 270a-270d), commonly referred to as the 'Miller Act',";

(B) by inserting after "response action contract" the following: "and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e-270f)"; and

(C) by striking out "in accordance with 40 U.S.C. sections 270a-270d." and inserting in lieu thereof "in accordance with such Act of August 24, 1935.".

(b) TITLE 10.—(1) Section 2701(j) of title 10, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Such section is further amended—

(A) by inserting "(1)" after "APPLICABILITY.—"; and

(B) by adding at the end the following new paragraph:

"(2) Subsections (h) and (i) shall not apply to bonds to which section 119(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 applies (42 U.S.C. 9619(g)).".

SEC. 332. REPORT ON INDEMNIFICATION OF CONTRACTORS PERFORMING ENVIRONMENTAL RESTORATION.

(a) REPORT.—The Secretary of Defense, in consultation with the Attorney General, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget, shall conduct a review and report on the following:

(1) All existing statutory authorities and regulations thereunder available to the Department of Defense that allow the Secretary of Defense or the Secretaries of the military departments to indemnify and hold harmless contractors performing environmental restoration at current military installations, former military installations, and formerly used defense sites pursuant to the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code.

(2) The extent to which the authorities referred to in paragraph (1) are available to ensure adequate competition and qualified contractors for actions not governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the extent to which additional authority to ensure adequate competition and qualified contractors is necessary for such actions.

(3) The extent to which the indemnification authority provided in section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is necessary to ensure adequate competition and qualified contractors to perform remedial actions at military installations listed on the National Priorities List or removal actions pursuant to such Act.

(4) The extent to which contractors performing environmental restoration work at installations and sites referred to in paragraph (1), other Federal sites, and private sites have been exposed to, or involved in, litigation, claims, and liability related to such environmental restoration work since 1980.

(5) The type of indemnification, if any, currently provided to environmental restoration contractors by Federal agencies, by State agencies, and by private entities at sites other than installations and sites referred to in paragraph (1).

(6) The availability, the coverage, the cost, and the type of insurance commercially available to environmental restoration contractors at current and former military installations and formerly used defense sites.

(7) The extent to which the Secretary of Defense and the Secretaries of the military departments have used existing indemnification authority for environmental restoration work.

(8) The potential costs of any additional indemnification authority, if any, recommended by the Secretary of Defense in the report required under this section.

(b) DEADLINE.—Not later than May 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (a).

Subtitle D—Defense Business Operations Fund

SEC. 341. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1338; 10 U.S.C. 2208 note) is amended—

(1) by striking out "April 15, 1993" and inserting in lieu thereof "April 15, 1994"; and

(2) by inserting "(in this section referred to as the 'Fund')" before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

"(1) the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity; and

"(2) separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.".

(c) IMPLEMENTATION OF DBOF.—Such section is further amended by adding after subsection (c), as added by subsection (b), the following new subsections:

"(d) IMPLEMENTATION OF THE FUND.—The Secretary of Defense shall implement the Fund in three phases (referred to in this section as 'milestones') as follows:

"(1) MILESTONE I.—Not later than thirty days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993, the Secretary of Defense shall—

"(A) substantially complete the development of the policies of the Department of Defense governing the operations of the Fund;

"(B) identify the interim systems requirements of the Fund; and

"(C) prepare an evaluation report on the adequacy of the skills and resources devoted to the Fund and its related systems.

"(2) MILESTONE II.—Not later than March 1, 1993, the Secretary of Defense shall—

"(A) develop performance measures, and corresponding performance goals, for each business area of the Fund; and

"(B) prepare a report that—

"(i) specifies the status of interim systems efforts, including efforts to improve the accuracy of information in the Fund systems;

"(ii) specifies whether the Department of Defense has selected a standard cost accounting system, and prepared an implementation plan (with milestone dates) for installing the system at the Fund's activities; and

"(iii) identifies specific tangible benefits resulting from the operation of the Fund, including, if applicable, the reduced costs of providing goods and services and the improvement of the efficiency of Fund operations.

"(3) MILESTONE III.—Not later than September 30, 1993, the Secretary of Defense shall conduct a field test of the standard cost accounting system selected by the Secretary for the Fund.

"(e) USE OF CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall take actions to achieve the milestones prescribed in subsection (d) and otherwise to implement the Fund consistent with—

"(1) generally accepted accounting principles;

"(2) accounting principles, standards, and requirements generally applicable to Federal agencies;

"(3) internal accounting and administrative control standards prescribed by the Comptroller General of the United States; and

"(4) the provisions of chapter 9 of title 31, United States Code, and sections 3515, 3521(e) through (h), 9105, and 9106 of such title, and related requirements prescribed by the Office of Management and Budget.".

(d) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—Such section is further amended by adding after subsection (e), as added by subsection (c), the following new subsection:

"(f) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—

"(1) MONITORING AND EVALUATION.—The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in achieving the milestones prescribed in subsection (d) and in implementing the Fund, including the development of policies, performance measures, and actions to improve the Fund's systems.

"(2) REPORTS.—

"(A) REPORT ON THE NONACHIEVEMENT OF MILESTONES.—If the Comptroller General determines, pursuant to the monitoring and evaluation conducted under paragraph (1), that the Department of Defense has not achieved any of the milestones prescribed in subsection (d), the Comptroller General shall submit to the Congress, as soon as practicable, a report containing the findings, conclusions, and recommendations of the Comptroller General with respect to the nonachievement of the milestone.

"(B) FINAL REPORT.—Not later than February 15, 1994, the Comptroller General shall submit to the Congress a report containing the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation conducted under paragraph (1) and any recommendations for legislation or administrative action that the Comptroller General considers to be appropriate.".

SEC. 342. CAPITAL ASSET SUBACCOUNT.

(a) USE OF SUBACCOUNT FOR CAPITAL ASSETS DEPRECIATION CHARGES.—Charges for goods and services provided through the Defense Business Operations Fund shall include amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles. Amounts charged for depreciation shall be credited to a separate capital asset subaccount established within the Fund. The subaccount shall be available only for the payment of outlays for capital assets for the Fund.

(b) AWARD OF CONTRACTS.—The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount, to the extent provided for in appropriations Acts.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees each year, at the same time that the President submits the budget to the Congress under section 1105 of title 31, United States Code, a report that specifies—

(1) the opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted;

(2) the estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted;

(3) the estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted;

(4) the estimated balance of the subaccount at the end of the fiscal year in which the report is submitted; and

(5) a statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the Fund subaccount for fiscal years 1993 and 1994 such sums as may be necessary to pay, during fiscal year 1993 and until April 15, 1994, outlays for capital assets in excess of the amount otherwise available in the subaccount.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "capital assets" means the following capital assets that have a development or acquisition cost of not less than $15,000:

(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of title 10, United States Code.

(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

(2) The term "Fund" means the Defense Business Operations Fund.

SEC. 343. LIMITATION ON OBLIGATIONS AGAINST DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1993 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1993, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle E—Depot-Level Activities

SEC. 351. DEPOT-LEVEL TACTICAL MISSILE MAINTENANCE.

(a) COMPETITIVE BIDDING.—If the Secretary of Defense takes action to consolidate at a single location the performance of depot-level tactical missile maintenance by employees of the Department of Defense, the Secretary shall select the depot to perform the tactical missile maintenance through the use of competitive procedures. Any depot-level activity of the Department of Defense that is engaged in tactical missile maintenance on the date of the enactment of this Act shall be eligible to compete for such selection.

(b) RELOCATION OF CERTAIN ACTIVITIES TO ROCK ISLAND ARSENAL.—The Secretary of Defense shall ensure that the Systems Integration Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendations dated July 1, 1991, of the Defense Base Closure and Realignment Commission established under section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). This provision shall apply notwithstanding any other provision of law which directly or indirectly affects such relocation.

SEC. 352. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) LIMITATION.—Section 2466(a) of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

"(2) The Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than the following percentages of Army aviation depot-level maintenance workload:

"(A) For fiscal year 1993, 50 percent.

"(B) For fiscal year 1994, 55 percent.

"(C) For fiscal year 1995, 60 percent.".

(b) CONFORMING AMENDMENT.—Section 2466(c) of such title is amended by striking out "The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air Force, with respect to the Department of the Air Force," and inserting in lieu thereof "The Secretary of the military department concerned and, with respect to a Defense Agency, the Secretary of Defense".

(c) REPORT.—Section 2466(e) of such title is amended—

(1) by inserting "(1)" after "REPORTS.—"; and

(2) by adding at the end the following:

"(2) Not later than January 15, 1994, the Secretary of each military department and the Secretary of Defense, with respect to the Defense Agencies, shall jointly submit to Congress a report described in paragraph (1).".

(d) EFFECT OF AMENDMENTS ON EXISTING CONTRACTS.—The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies, may not cancel a depot-level maintenance contract in effect on the date of the enactment of this Act in order to comply with the requirements of section 2466(a) of title 10, United States Code, as amended by subsection (a).

SEC. 353. REQUIREMENT OF COMPETITION FOR THE PERFORMANCE OF WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition

"The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of not less than $3,000,000 and is being performed by a depot-level activity of the Department of Defense unless, prior to any such change, the Secretary uses competitive procedures to make the change.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition.".

SEC. 354. REPEAL OF REQUIREMENT FOR COMPETITION PILOT PROGRAM FOR DEPOT-LEVEL MAINTENANCE OF MATERIALS.

Subsection (b) of section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1337; 10 U.S.C. 2466 note) is repealed.

Subtitle F—Commissaries and Military Exchanges

SEC. 361. STANDARDIZATION OF CERTAIN PROGRAMS AND ACTIVITIES OF MILITARY EXCHANGES.

(a) STANDARDIZATION OF EXCHANGES.—The Secretary of Defense shall standardize among the military departments the following programs and activities of the military exchanges of the military departments:

(1) Accounting (including account titles and item descriptions).

(2) Financial reporting formats.

(3) Automatic data processing and telecommunications data in order to facilitate the transfer of information among military exchanges.

(b) TIME AND MANNER.—The standardization of programs and activities required by subsection (a) shall be completed not later than March 31, 1994, and shall be carried out in the most efficient manner practicable.

(c) REPORT.—Not later than March 31, 1993, the Secretary of Defense shall submit to the Congress a report on other programs and activities of the military exchanges, if any, that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

SEC. 362. ACCOUNTABILITY REGARDING THE FINANCIAL MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.

(a) REGULATION OF EXPENDITURE OF NAFI FUNDS.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

"(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality of the United States within the Department of Defense may be expended; and

"(2) the financial management of such funds to prevent waste, loss, or unauthorized use.

"(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as are provided by law for misuse of appropriations by a civilian employee of the Department of Defense paid from appropriated funds. The Secretary of Defense shall prescribe regulations to carry out this paragraph.

"(2) The Secretary shall provide in regulations that a violation of the regulations prescribed under subsection (a) by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

"(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds), and a member of the Armed Forces, whose duties include the obligation of nonappropriated funds, shall notify the Secretary of Defense of information which the person reasonably believes evidences—

"(A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or

"(B) other mismanagement or gross waste of such funds.

"(2) The Secretary of Defense shall designate civilian employees of the Department of Defense or members of the armed forces to receive a notification described in paragraph (1) and ensure the prompt investigation of the validity of information provided in the notification.

"(3) The Secretary shall prescribe regulations to protect the confidentiality of a person making a notification under paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

SEC. 363. DEMONSTRATION PROGRAM FOR THE OPERATION OF CERTAIN COMMISSARY STORES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall establish a demonstration program to determine the feasibility of having nonappropriated fund instrumentalities operate commissary stores at military installations.

(2) Under the program referred to in paragraph (1), the Secretary of Defense shall select nonappropriated fund instrumentalities to operate commissary stores located at military installations selected by the Secretary under subsection (b).

(b) SELECTION OF MILITARY INSTALLATIONS.—For participation in such program, the Secretary shall select not less than one nor more than three military installations in the United States, including at least one installation where National Guard personnel, other reserve component personnel, and their dependents comprise the predominant number of the users of the facilities and services of the installation.

(c) PROGRAM REQUIREMENT AND LIMITATION.—(1) Except as provided in paragraph (3), commissary stores operated under such program shall be operated in accordance with section 2484 of title 10, United States Code, relating to the payment of costs by the Department of Defense in connection with the operation of commissary stores.

(2) Except as provided in paragraph (3), the Secretary of Defense may, subject to such section, authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency to the nonappropriated fund instrumentalities selected under subsection (a)(2) for the purpose of operating combined exchange and commissary stores under such program.

(3) Appropriated funds may not be used pursuant to such section to pay costs associated with the direct support and operation of combined exchange and commissary stores under such program.

(d) PERIOD OF DEMONSTRATION PROGRAM.—A nonappropriated fund instrumentality selected under subsection (a)(2) shall operate commissary store facilities under such program for the period beginning on the date of the selection of the nonappropriated fund instrumentality and ending on the date of the expiration of the period referred to in subsection (e).

(e) REPORT.—Not later than the expiration of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of such program. The report shall include the findings, conclusions, and recommendations of the Secretary, including a recommendation with respect to whether similar programs should be carried out at other military installations.

(f) DEFINITION.—In this section, the term "nonappropriated fund instrumentality" means an instrumentality of the United States under the jurisdiction of the Department of the Army or the Department of the Air Force (including the Army and Air Force Exchange Service) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 364. RELEASE OF INFORMATION REGARDING SALES AT COMMISSARY STORES.

(a) AUTHORITY TO RELEASE.—Section 2487 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

"(2) Paragraph (1) applies to those portions of computer data generated by electronic scanners used in military commissaries, and those portions of reports generated by such scanners, that contain the following information:

"(A) The unit price of items sold.

"(B) The number of units of items sold.

"(b) RELEASE UNDER COMPETITIVELY AWARDED AGREEMENTS.—The Secretary of Defense may enter into one or more agreements that provide for limited release of information described in subsection (a)(2). The Secretary shall use competitive procedures to enter into each such agreement. Each agreement shall require payment for such information and shall specify the amount of such payment.".

(b) TECHNICAL AMENDMENTS.—(1) The item relating to such section in the table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(2) Subsection (c) of such section is amended by inserting after "(c)" the following: "DEPOSIT OF RECEIPTS.—".

SEC. 365. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) IN GENERAL.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—(1) A member of the Ready Reserve who satisfactorily completes 50 or more points creditable under section 1332(a)(2) of this title in a calendar year shall be eligible to use commissary stores of the Department of Defense. The Sec-

retary concerned shall authorize the member to have 12 days of eligibility for any calendar year that the member qualifies for eligibility under this subsection.

"(2) Paragraph (1) shall apply without regard to whether, during the calendar year, the member receives compensation for the duty or training performed by the member or performs active duty for training.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the completion of reserve points beginning in calendar year 1992.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1063 of such title is amended to read as follows:

"§1063. Period for use of commissary stores: eligibility for members of the Ready Reserve".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"1063. Period for use of commissary stores: eligibility for members of the Ready Reserve.".

Subtitle G—Other Matters

SEC. 371. EXTENSION OF CERTAIN GUIDELINES FOR REDUCTIONS IN THE NUMBER OF CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended to read as follows:

"§1597. Civilian positions: guidelines for reductions

"(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Reductions in the number of civilian positions of the Department of Defense during fiscal year 1993, if any, shall be carried out in accordance with the guidelines established pursuant to subsection (b).

"(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for fiscal year 1993 for the manner in which reductions in the number of civilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

"(1) Positions filled by foreign national employees overseas.

"(2) All other positions filled by civilian employees overseas.

"(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

"(4) Direct operating or production positions in the United States.

"(c) MASTER PLAN.—(1) The Secretary of Defense shall include in the materials submitted to Congress in support of the budget request for the Department of Defense for fiscal year 1994 a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

"(2) The master plan referred to in paragraph (1) shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

"(3) The information referred to in paragraph (2) is the following:

"(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information on the following:

"(i) The total number of civilian employees.

"(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees overseas, and the number of foreign national employees overseas.

"(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, defense agency, or other component.

"(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Department of Defense management review initiatives of the Secretary of Defense.

"(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, the following information:

"(i) Annual trends in the amount of funded workload for each activity, based upon the average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

"(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

"(C) Information that indicates trends in the extent to which the military department, defense agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, defense agency or other component.

"(D) Information that indicates the extent to which the Department of Defense management review initiatives of the Secretary of Defense and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

"(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

"(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, Defense Agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1597. Civilian positions: guidelines for reductions.".

SEC. 372. ANNUAL REPORT ON SECURITY AND CONTROL OF SUPPLIES.

(a) ANNUAL REPORT.—Subsection (a) of section 2891 of title 10, United States Code, is amended by striking out "for each of fiscal years 1989, 1990, and 1991" and inserting in lieu thereof "for each of fiscal years 1992, 1993, and 1994".

(b) CONTENT OF REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(9) A summary description of the cases determined by the Secretary of Defense to be cases of major thefts of Department of Defense supplies during the fiscal year preceding the fiscal year in which the report is submitted, including any case involving a loss in an amount greater than $1,000,000 or a loss of sensitive or classified items.

"(10) The value, and an analysis, of in-transit losses that occurred during the fiscal year preceding the fiscal year in which the report is submitted.".

SEC. 373. TRANSPORTATION OF DONATED MILITARY ARTIFACTS.

Section 2572(d)(2) of title 10, United States Code, is amended—

(1) by striking out "(2) The" and inserting in lieu thereof "(2)(A) Except as provided in subparagraph (B), the"; and

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

"(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.".

SEC. 374. SUBCONTRACTING AUTHORITY FOR AIR FORCE AND NAVY DEPOTS.

Section 2208(j) of title 10, United States Code, is amended by striking out "The Secretary" and all that follows through "facility" and inserting in lieu thereof "The Secretary of a military department may authorize a working capital funded industrial facility of that department".

SEC. 375. CONSIDERATION OF VESSEL LOCATION FOR THE AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.

(a) CONSIDERATION OF VESSEL LOCATION IN THE AWARD OF LAYBERTH CONTRACTS.—As a factor in the evaluation of bids and proposals for the award of contracts to layberth sealift vessels of the Department of the Navy, the Secretary of the Navy shall include the location of the vessels, including whether the vessels should be layberthed at locations where—

(1) members of the Armed Forces are likely to be loaded onto the vessels; and

(2) layberthing the vessels maximizes the ability of the vessels to meet mobility and training needs of the Department of Defense.

(b) ESTABLISHMENT OF LOCATION AS A MAJOR CRITERION.—In the evaluation of bids and proposals referred to in subsection (a), the Secretary of the Navy shall give the same level of consideration to the location of the vessels as the Secretary gives to other major factors established by the Secretary.

(c) APPLICABILITY.—Subsection (a) shall apply to any solicitation for bids or proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 376. PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Under regulations prescribed by the Secretary of Defense, the Chief of the National Guard Bureau shall enter into an agreement with each of the Governors of one or

more States to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

(b) FUNDING ASSISTANCE.—Under the agreement, the Chief of the National Guard Bureau shall provide funds for the pay, allowances, clothing, subsistence, travel, and related expenses of personnel of the National Guard participating in the pilot program and for medical supplies and equipment to be used to provide health care to medically underserved populations. Of the funds authorized to be appropriated for fiscal year 1993 for operation and maintenance under this title for the Army National Guard, not more than $5,000,000 may be used by the Chief of the National Guard Bureau to provide funding under the agreements.

(c) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

(d) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

(e) SERVICE OF PARTICIPANTS.—Service by National Guard personnel in the pilot program shall be counted toward the annual training required under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.

(f) REPORT.—The Secretary of Defense shall, not later than January 1, 1994, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

SEC. 377. AUTHORITY FOR THE ISSUE OF UNIFORMS WITHOUT CHARGE TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 775 as section 776; and

(2) by inserting after section 774 the following new section:

"§775. Issue of uniform without charge

"(a) ISSUE OF UNIFORM.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

"(1) A member who is being repatriated after being held as a prisoner of war.

"(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

"(3) A member who, as a result of the member's duties, has unique uniform requirements.

"(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

"(b) RETENTION OF UNIFORM AS A PERSONAL ITEM.—Notwithstanding section 771a of this title, a uniform issued to a member under this section may be retained by the member as a personal item.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 775 and inserting in lieu thereof the following:

"775. Issue of uniform without charge.

"776. Applicability of chapter.".

SEC. 378. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense may, during fiscal years 1993 through 1995, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) USE OF FUNDS.—During fiscal years 1993 through 1995, funds appropriated to the Department of Defense for operation and maintenance of Defense Agencies shall be available to conduct the program referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) In connection with the program referred to in subsection (a), the Secretary of Defense may adopt, use, and register as trademarks and service marks, emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

(2) Without the consent of the Secretary of Defense, any person who uses any emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, as amended (60 Stat. 427; popularly known as the Trademark Act of 1945) (15 U.S.C. 1051 et seq.).

(3) Any person who actually used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 50th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 379. EXTENSION OF DEMONSTRATION PROJECT FOR THE USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) EXTENSION OF PROGRAM.—Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate at the end of the one-year period" and inserting in lieu thereof "terminate at the end of the two-year period".

(b) REPORT.—Section 343(e) of such Act is amended by striking out "one-year period" and inserting in lieu thereof "two-year period".

SEC. 380. PROMOTION OF CIVILIAN MARKSMANSHIP.

(a) AUTHORITY OF THE SECRETARY OF THE ARMY.—(1) Section 4308 of title 10, United States Code, is amended to read as follows:

"§4308. Promotion of civilian marksmanship: authority of the Secretary of the Army

"(a) PROGRAM REQUIRED.—The Secretary of the Army, under regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, shall provide for—

"(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

"(2) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

"(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue, without cost, of the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and

appliances necessary for those purposes, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition;

"(4) the award to competitors of trophies, prizes, badges, and other insignia;

"(5) the loan or sale at fair market value of caliber .30 rifles, caliber .22 rifles, and air rifles, and the sale of ammunition at fair market value, to gun clubs that—

"(A) are under the direction of the National Board for the Promotion of Rifle Practice; and

"(B) provide training in the use of rifled arms;

"(6) the sale at fair market value of arms (including surplus M-1 Garand rifles), ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the National Board for the Promotion of Rifle Practice;

"(7) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members and for the Board's expenses incidental to the conduct of the Board's annual meetings;

"(8) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor; and

"(9) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

"(b) ADDITIONAL AUTHORITY.—The Secretary may—

"(1) provide personnel services (in addition to pay and nontravel-related allowances for members of the armed forces) in carrying out the Civilian Marksmanship Program; and

"(2) impose reasonable fees for persons and gun clubs participating in any program conducted by the Secretary for the promotion of marksmanship among civilians.

"(c) AMOUNTS COLLECTED.—Amounts collected by the Secretary under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under subsection (a), shall be credited to the appropriation available for the support of the Civilian Marksmanship Program and shall be available to carry out such program.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to pay the personnel costs and other expenses of the Civilian Marksmanship Program in such fiscal year to the extent that the amounts available out of the revenues collected under the program are insufficient to defray such costs and expenses.

"(e) DEFINITION.—In this section, the term 'Civilian Marksmanship Program' means the program carried out by the Secretary of the Army under this section and sections 4310 through 4312 of this title and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4308 and inserting in lieu thereof the following:

"4308. Promotion of civilian marksmanship: authority of the Secretary of the Army.".

(b) AVAILABILITY OF RIFLE RANGES FOR ARMED FORCES AND CIVILIANS.—(1) Section 4309 of title 10, United States Code, is amended to read as follows:

"§4309. Rifle ranges: availability for use by members and civilians

"(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

"(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) that is located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range to cover the material and supply costs incurred by the armed forces to make that rifle range available to civilians.

"(2) Fees collected pursuant to paragraph (1) in connection with the use of a rifle range shall be credited to the appropriation available for the operation and maintenance of that rifle range and shall be available for the operation and maintenance of that rifle range.

"(3) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

"(c) REGULATIONS.—Regulations to carry out this section with respect to a rifle range shall be prescribed, subject to the approval of the Secretary concerned, by the authorities controlling the rifle range.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4309 and inserting in lieu thereof the following:

"4309. Rifle ranges: availability for use by members and civilians.".

(c) PAYMENT OF EXPENSES FOR NATIONAL MATCH COMPETITORS.—(1) Section 4313 of title 10, United States Code, is amended to read as follows:

"§4313. National matches and small-arms school: expenses

"(a) JUNIOR COMPETITORS.—(1) Junior competitors at National Matches, small-arms firing schools, and competitions in connection with National Matches and special clinics under section 4312 of this title may be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe.

"(2) A junior competitor referred to in paragraph (1) may be paid a travel allowance, in such amount as the Secretary of the Army shall prescribe, instead of travel expenses and subsistence while traveling. The travel allowance for the return trip may be paid in advance.

"(3) For the purposes of this subsection, a junior competitor is a competitor who is under 18 years of age or is a member of a gun club organized for the students of a college or university.

"(b) RESERVE COMPONENT PERSONNEL.—Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may be used to pay the personnel costs and travel and per diem expenses of a member of a reserve component for any active duty performed by the member in a fiscal year in support of the program after the end of that member's scheduled period of annual training for that fiscal year.".

(2) The item relating to section 4313 in the table of sections at the beginning of chapter 401 of such title is amended by striking out "rifle".

(d) REPORT.—(1) Chapter 401 of such title is amended by adding at the end the following new section:

"§4316. Reporting requirements

"The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308, and any progress made with respect to achieving financial self-sufficiency of the programs and activities.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4316. Reporting requirements.".

(e) EFFECTIVE DATE.—(1) This section and the amendments made by this section shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) October 1, 1992.

(2) If under paragraph (1) the amendments made by this section take effect before October 1, 1992, the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1533) shall not take effect.

(3) If under paragraph (1) the amendments made by this section take effect on October 1, 1992, the amendments made by this section shall be considered executed immediately following the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1533).

SEC. 381. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 382. OPTIONAL DEFENSE DEPENDENTS' SUMMER SCHOOL PROGRAMS.

Section 1402 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95-561; 20 U.S.C. 921) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.

"(2) The Secretary shall provide in regulations for fees to be charged for the students enrolling in a summer school program under this subsection in amounts determined on the basis of family income.

"(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.".

SEC. 383. REVIEW OF MILITARY FLIGHT TRAINING ACTIVITIES AT CIVILIAN AIRFIELDS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the practices and procedures of the military departments regarding the use of civilian airfields in flight training activities of the Armed Forces.

(b) PURPOSE.—The purpose of the review is to determine whether the practices and procedures referred to in subsection (a) should be modified to better protect the public safety while meeting training requirements of the Armed Forces.

(c) SPECIAL REQUIREMENT.—In the conduct of the review, particular consideration shall be given to the practices and procedures regarding the use of civilian airfields in heavily populated areas.

SEC. 384. PREFERENCE FOR PROCUREMENT OF ENERGY EFFICIENT ELECTRIC EQUIPMENT.

(a) REQUIREMENT FOR PREFERENCE.—(1)(A) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Preference for energy efficient electric equipment

"(a) When cost effective, in establishing a new requirement for electric equipment referred to in subsection (b) and in procuring electric equipment referred to in that subsection, the

Secretary of a military department or the head of a Defense Agency, as the case may be, shall provide a preference for the procurement of the most energy efficient electric equipment available that meets the requirement or the need for the procurement, as the case may be.

"(b) Subsection (a) applies to the following electric equipment:

"(1) Electric lamps.

"(2) Electric ballasts.

"(3) Electric motors.

"(4) Electric refrigeration equipment.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Preference for energy efficient electric equipment.".

(2) The amendments made by paragraph (1) shall apply to procurements for which solicitations are issued on or after the date that is 120 days after the date of the enactment of this Act.

(b) ELECTRIC LIGHTING DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient electric lighting equipment.

(2) The Secretary shall designate 50 facilities owned or leased by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the electric lighting equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of electric lighting at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of electric lighting equipment at the facility that is more energy efficient than the existing electric lighting equipment to the extent that the conversion is cost effective.

(5) Energy efficient electric lighting equipment used under the demonstration program may include compact fluorescent lamps, energy efficient electric ballasts and fixtures, and other energy efficient electric lighting equipment.

(c) REFRIGERATION EQUIPMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient refrigeration equipment.

(2) The Secretary shall designate 50 facilities owned or operated by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the refrigeration equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of the refrigeration equipment at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of refrigeration equipment at the facility that is more energy efficient than the existing refrigeration equipment to the extent that the conversion is cost effective.

(d) GENERAL PROVISIONS FOR DEMONSTRATION PROGRAMS.—(1) The Secretary of Defense shall make the designations under subsections (b)(2) and (c)(2) not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense may designate a facility described in subsections (b)(2) and (c)(2) for participation in the demonstration program under subsection (b) and the demonstration program under subsection (c).

(3) The audits required by subsections (b)(3) and (c)(3) shall be completed not later than January 1, 1994.

(4) The head of a facility may not carry out a conversion described in subsection (b)(4) or (c)(4) if the conversion prevents the head of the facility from carrying out others improvements relating to energy efficiency that are more cost effective than that conversion.

SEC. 385. PAYMENT OF RESIDENTS OF THE ARMED FORCES RETIREMENT HOME FOR SERVICES.

(a) AUTHORITY.—Part A of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 1521. PAYMENT OF RESIDENTS FOR SERVICES.

"(a) AUTHORITY.—The Chairman of the Armed Forces Retirement Board is authorized to accept for the Armed Forces Retirement Home the part-time or intermittent services of a resident of the Retirement Home, to pay the resident for such services, and to fix the rate of such pay.

"(b) EMPLOYMENT STATUS.—A resident receiving pay for services authorized under subsection (a) shall not, by reason of performing such services and receiving pay for such services, be considered as—

"(1) receiving the pay of a position or being employed in a position for the purposes of section 5532 of title 5, United States Code; or

"(2) being an employee of the United States for any other purpose.

"(c) DEFINITION.—In subsection (b)(1), the term 'position' has the meaning given that term in section 5531 of title 5, United States Code.".

(b) FORGIVENESS OF INDEBTEDNESS.—The Chairman of the Armed Forces Retirement Board is authorized to cancel the indebtedness of any resident of the Armed Forces Retirement Home for repayment to the United States of amounts paid the resident for services provided to the Retirement Home before the date of the enactment of this Act if the Chairman determines that it would be in the interest of the United States to do so and against equity and good conscience to require the repayment.

SEC. 386. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense, in consultation with the Secretary of Education, shall provide financial assistance to local educational agencies in States as provided in this section.

(b) SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (c) if, without such assistance, that agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(c) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under subsection (b) for a fiscal year if—

(1) at least 30 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of that agency in that fiscal year are military dependent students counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238); or

(2) by reason of a consolidation or reorganization of local educational agencies, the local educational agency is a successor of a local educational agency that, for fiscal year 1992—

(A) was eligible to receive payments in accordance with Department of Defense Instruction 1342.18, dated June 3, 1991; and

(B) satisfied the requirement in paragraph (1).

(d) ADJUSTMENT PAYMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subject to subsection (g), to assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall transfer to the Secretary of Education funds to make payments to local educational agencies that are entitled to receive under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238), payments adjusted in accordance with subsection (e) of such section by reason of conditions described in subparagraphs (A) through (C) of paragraph (1) of such subsection that result from closures and realignments of military installations.

(e) REPORT ON IMPACT OF BASE CLOSURES ON EDUCATIONAL AGENCIES.—(1) Not later than February 15 of each of 1993, 1994, and 1995, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to Congress a report on the local educational agencies affected by the closures and realignment of military installations and by redeployments of members of the Armed Forces.

(2) Each report shall contain the following:

(A) The number of dependent children of members of the Armed Forces or civilian employees of the Department of Defense who entered the schools of the local educational agencies during the preceding school year as a result of closures, realignments, or redeployments.

(B) The number of dependent children of such members or employees who withdrew from the schools of the local educational agencies during that school year as a result of closures, realignments, or redeployments.

(C) The amounts paid to the local educational agencies during that year under the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236 et seq.), or any other provision of law authorizing the payment of financial assistance to local communities or local educational agencies on the basis of the presence of dependent children of such members or employees in such communities and in the schools of such agencies.

(D) The projected transfers of such members and employees in connection with closures, realignments, and redeployments during the 12-month period beginning on the date of the report, including—

(i) the installations to be closed or realigned;

(ii) the installations to which personnel will be transferred as a result of closures, realignments, and redeployments; and

(iii) the effects of such transfers on the number of dependent children who will be included in determinations with respect to the payment of funds to each affected local educational agency under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238).

(e) DEFINITIONS.—In this section:

(1) The term "local educational agency" has the meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(2) The term "military dependent student" means a student that is—

(A) a dependent child of a member of the Armed Forces; or

(B) a dependent child of a civilian employee of the Department of Defense.

(3) The term "State" has the meaning given that term in section 3(d)(3)(D)(i) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238(d)(3)(D)(i)).

(f) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and

maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b); and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d).

(g) LIMITATION ON TRANSFER AND OBLIGATION OF FUNDS.—(1) The amount made available pursuant to subsection (f)(2) for adjustment assistance related to base closures and realignments under subsection (d) may be obligated for such adjustment assistance only if expenditures for that adjustment assistance for fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of the amount appropriated for adjustment assistance related to base closures and realignments under subsection (d). If the Director determines that the amount shall not classify against the defense category (as described in paragraph (1)), then the President shall submit to Congress a report stating that the Director has made such a determination and the amount that will not classify against the defense category and containing an explanation for the determination.

(3) The amount listed in the report under paragraph (2) may be transferred only to the programs under title III other than the program under subsection (d) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 387. TREATMENT OF STATE EQUALIZATION PROGRAMS IN DETERMINING ELIGIBILITY FOR, AND AMOUNT OF, IMPACT AID.

Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 240(d)(2)) is amended—

(1) by striking the first subparagraph (C) (as added by section 330(a) of Public Law 94-482 (90 Stat. 2221)); and

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

"(D) Any State whose program of State aid was certified by the Secretary under subparagraph (C) for fiscal year 1988, but whose program was determined by the Secretary under subparagraph (C)(i) not to meet the requirements of subparagraph (A) for one or more of the fiscal years 1989 through 1992—

"(i) shall be deemed to have met the requirements of subparagraph (A) for each of the fiscal years 1989 through 1992; and

"(ii) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under subparagraph (A) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900, of whom not more than 88,855 shall be commissioned officers.

(2) The Navy, 535,800, of whom not more than 67,455 shall be commissioned officers.

(3) The Marine Corps, 181,900, of whom not more than 18,440 shall be commissioned officers.

(4) The Air Force, 449,900, of whom not more than 84,970 shall be commissioned officers.

SEC. 402. WAIVER AND TRANSFER AUTHORITY.

(a) WAIVER AUTHORITY.—The Secretary of Defense may waive an end strength prescribed in section 401 for any of the Armed Forces to the extent that the Secretary considers the waiver necessary to prevent personnel imbalances that would impair the long term combat readiness of that armed force.

(b) TRANSFER AUTHORITY.—(1) Upon determination by the Secretary of Defense that such action is necessary in order to prevent involuntary separations from the Armed Forces that would otherwise be necessary solely for the purpose of reducing the size of the Armed Forces below the authorized end strengths prescribed in section 401, the Secretary may transfer amounts appropriated to the Department of Defense pursuant to authorizations of appropriations in this division for fiscal year 1993. Amounts so transferred shall be merged with and be available for the same purposes as the appropriations to which transferred.

(2) A transfer made from one appropriation account to another under the authority of this section shall be deemed to increase the amount authorized for the appropriation account to which transferred by the amount transferred.

(3) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 403. LIMITED EXCLUSION OF JOINT SERVICE REQUIREMENTS FROM A LIMITATION ON THE STRENGTHS FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) EXCLUSION.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

"(2) This subsection shall cease to be effective on October 1, 1998.".

(b) TECHNICAL AMENDMENT.—Subsection (b) of such section is amended by striking out "(b)" and inserting in lieu thereof "(b) TRANSFERS BETWEEN SERVICES.—".

SEC. 404. STUDY OF DISTRIBUTION OF GENERAL AND FLAG OFFICER POSITIONS IN JOINT DUTY ASSIGNMENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study of whether joint organizations of the Department of Defense are fully staffed with the appropriate number of general and flag officers. For such purpose, the Secretary, as part of the study, shall—

(1) identify and validate requirements for general and flag officer joint positions;

(2) evaluate the process of reallocating general and flag officer positions when either new joint duty position requirements are identified or requirements for existing joint duty positions are terminated; and

(3) evaluate the process of identifying and assigning general and flag officers to joint positions.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study. The report shall include—

(1) the findings, conclusions, and recommendations of the study;

(2) a description of any actions taken by the Secretary based on the results of the study; and

(3) any recommendations for legislation that the Secretary considers appropriate based on the results of the study.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 422,725.

(2) The Army Reserve, 279,615.

(3) The Naval Reserve, 133,675.

(4) The Marine Corps Reserve, 42,315.

(5) The Air National Guard of the United States, 119,300.

(6) The Air Force Reserve, 82,300.

(7) The Coast Guard Reserve, 15,150.

(b) INCREASES IN END STRENGTHS.—The Secretary of Defense may increase an end strength authorized by subsection (a) by not more than 2 percent.

(c) LIMITATION ON REDUCTIONS IN END STRENGTHS.—(1) Except as provided in paragraph (2), the number of Selected Reserve personnel of any of the reserve components as of September 30, 1993, may not be below the number authorized in subsection (a) for that reserve component.

(2) The Secretary of Defense may authorize a reduction in the number applicable to any of the reserve components under paragraph (1) by not more than 0.5 percent if the Secretary of the military department concerned determines that such a reduction is necessary in order to permit the early and timely release from active duty or full-time National Guard duty of members who seek such release before the end of the fiscal year.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,736.

(2) The Army Reserve, 12,637.
(3) The Naval Reserve, 21,490.
(4) The Marine Corps Reserve, 2,285.
(5) The Air National Guard of the United States, 9,106.
(6) The Air Force Reserve, 636.

SEC. 413. RESERVE COMPONENT FORCE STRUCTURE.

(a) REQUIREMENT TO PRESCRIBE RESERVE COMPONENT FORCE STRUCTURE.—The Secretary of each military department shall prescribe a force structure allowance for each reserve component under the jurisdiction of the Secretary. Each such force structure allowance for a reserve component—

(1) shall be consistent with, but in no case include a number of personnel spaces that is less than, the authorized end strength for that component; and

(2) shall be prescribed in accordance with historic service policies.

(b) DEFINITION.—For purposes of this section, the term "force structure allowance" means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 85,475.
(2) The Navy, 51,371.
(3) The Marine Corps, 18,831.
(4) The Air Force, 33,164.
(5) The Defense Agencies, 4,740.

(b) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Limitations

SEC. 431. REDUCTION IN NUMBER OF PERSONNEL CARRYING OUT RECRUITING ACTIVITIES.

(a) FISCAL YEAR 1994 LIMITATION.—The number of members of the Armed Forces on September 30, 1994, who are serving on full-time active duty or full-time National Guard duty and who, as a primary duty, carry out personnel recruiting activities may not exceed the number equal to 90 percent of the number of members of the Armed Forces who, as a primary duty, carried out personnel recruiting activities while serving on full-time active duty or full-time National Guard duty on September 30, 1992.

(b) FISCAL YEAR 1993 IMPLEMENTATION.—The Secretary of Defense shall ensure that the number of such personnel who, as a primary duty, carry out such activities is reduced appropriately during fiscal year 1993 to achieve the reduction required as of the end of fiscal year 1994.

SEC. 432. NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission. The number of personnel authorizations assigned to that mission shall be maintained at not less than the level in effect on September 30, 1991.

SEC. 433. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1993 a total of $76,311,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1993.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 500. REFERENCE TO PERSONNEL POLICY PROVISIONS IN TITLE XLIV.

For provisions of this Act providing transition enhancements and other personnel benefits for the active forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401–4408). For provisons of this Act providing transition enhancements and other personnel benefits for the Guard and Reserve forces relating to the defense drawdown, see subtitle B of title XLIV (sections 4411–4422).

Subtitle A—Officer Personnel Policy

SEC. 501. REPORTS ON PLANS FOR OFFICER ACCESSIONS AND ASSIGNMENT OF JUNIOR OFFICERS.

(a) REPORT ON PLANNED OFFICER ACCESSIONS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the military departments for the procurement of officer personnel during each of fiscal years 1993 through 1997.

(2) The report shall contain for each fiscal year for each military department the following:

(A) For each program of officer training resulting in a commission, the number of persons to be commissioned.

(B) Of the persons to be commissioned under the Reserve Officer Training Corps program, the number of persons receiving scholarships under that program and the number of persons not receiving scholarships under the program.

(C) Of the number of persons to be commissioned—

(i) the number necessary to meet immediate needs for active component personnel;

(ii) the number necessary to meet immediate needs for personnel for the Selected Reserve of the Ready Reserve of the reserve components; and

(iii) the number that will be assigned directly into the Individual Ready Reserve of the reserve components.

(b) REPORT ON PLANNED OFFICER ASSIGNMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the types of assignments that the military departments plan for the commissioned officers who commence active duty for their initial period of obligated active duty service during each of fiscal years 1993 through 1997 after being commissioned upon completion of an officer training program, stated by officer training program. The report shall contain an analysis of the number of officers that are to be assigned for skills training and the number of officers that are to be assigned directly to occupational positions.

(c) SUBMISSION OF REPORTS.—The reports required by subsections (a) and (b) shall be submitted together not later than April 1, 1993.

SEC. 502. EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall provide for a federally funded research and development center that is independent of the military departments to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of the post-Cold War officer strength reductions on that officer personnel management system.

(b) MATTERS TO BE CONSIDERED.—The review and evaluation shall include, for the officer personnel management system of each military department, the effects of the officer strength reductions on the following:

(1) The timing and opportunities for officer promotions.

(2) The expected lengths of officer careers.

(3) Other features of the officer personnel management system under the Defense Officer Personnel Management Act (Public Law 96–513), including the provisions of law added and amended by that Act.

(4) Any other aspect of the officer personnel management system that the federally funded research and development center personnel conducting the review and evaluation consider appropriate or as directed by the Secretary of Defense.

(c) REPORT.—Not later than December 31, 1993, the federally funded research and development center shall submit to the Secretary of Defense a report on the results of the review and evaluation. Within 60 days after receiving the report, the Secretary shall transmit the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may submit to such committees any comments that the Secretary considers appropriate regarding the matters contained in the report.

(d) FUNDING.—Funds appropriated for fiscal year 1993 pursuant to title II and made available for federally funded research and development centers shall be available for the conduct of the review and evaluation under this section.

SEC. 503. SUBMISSION OF ELIGIBILITY LISTS TO SELECTIVE EARLY RETIREMENT BOARDS.

Section 638a(c) of title 10, United States Code, is amended by adding at the end the following:

"(3) In the case of an action under subsection (b)(2), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all eligible officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all eligible officers described in that subsection in a particular grade and competitive category who are also in particular year groups, specialties, or retirement categories, or any combination thereof, within that competitive category.".

SEC. 504. RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.

(a) REGULAR NAVY COMMANDERS.—Section 633 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.".

(b) REGULAR NAVY CAPTAINS.—Section 634 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.".

(c) MAXIMUM TENURE.—Subsection (a) of section 6383 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraphs:

"(2) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of commander, has failed of selection for promotion to the grade of captain for the second time, and is not on a list of officers recommended for promotion to the grade of captain shall—

"(A) if eligible for retirement as a commissioned officer under any provision of law, be retired under that provision of law on the date requested by the officer and approved by the Secretary of the Navy, except that the date of retirement may not be later than the first day of the seventh month beginning after the month in

which the President approves the report of the selection board in which the officer is considered as having failed for promotion to the grade of captain for a second time; or

"(B) if not eligible for retirement as a commissioned officer, be retired on the date requested by the officer and approved by the Secretary of the Navy after the officer becomes eligible for retirement as a commissioned officer, except that the date of retirement may not be later than the first day of the seventh calendar month beginning after the month in which the officer becomes eligible for retirement as a commissioned officer.

"(3) Except as provided in subsection (i), if not retired earlier, a regular officer of the Navy designated for limited duty who is serving in the grade of commander and is not on a list of officers recommended for promotion to the grade of captain shall be retired on the last day of the month following the month in which the officer completes 35 years of active naval service, exclusive of active duty for training in a reserve component.

"(4) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of captain shall, if not retired sooner, be retired on the last day of the month following the month in which the officer completes 38 years of active naval service, exclusive of active duty for training in a reserve component.

"(5) Paragraphs (2) through (4) shall be effective only during the period beginning on July 1, 1993, and ending on October 1, 1995.".

(d) LIMITATION ON DEFERRED RETIREMENT.—Subsection (i) of section 6383 of such title is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, an officer of the Navy in the grade of commander or captain whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond age 62 or, if earlier, 28 years of active commissioned service if in the grade of commander or 30 years of active commissioned service if in the grade of captain.".

SEC. 505. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3070 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) The Chiropractic Section.";

(2) in subsection (c), by striking out "four assistant chiefs" and inserting in lieu thereof "up to five assistant chiefs"; and

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

"(d) Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.".

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.—Section 8067(f) of such title is amended by inserting "and chiropractic functions" after "physician assistant functions".

(d) DEADLINE FOR REGULATIONS.—The regulations required to be prescribed by the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF MINIMUM SERVICE REQUIREMENTS FOR CERTAIN FLIGHT CREW POSITIONS.

(a) MINIMUM REQUIREMENTS.—Section 653 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "active duty obligation" and inserting in lieu thereof "service obligation"; and

(2) in subsection (c), by striking out "the term 'active duty obligation' means the period of active duty" and inserting in lieu thereof "the term 'service obligation' means the period of active duty or, in the case of a member of a reserve component who completed flight training in an active duty for training status as a member of a reserve component, the period of service in an active status in the Selected Reserve".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of November 29, 1989.

SEC. 507. ONE-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1992, section 5721 of title 10, United States Code, is amended by striking out "September 30, 1992" in subsection (f) and inserting in lieu thereof "September 30, 1993".

Subtitle B—Reserve Component Matters

SEC. 511. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES.

(a) REPEAL OF FISCAL YEAR 1992 DEADLINE.—Section 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1361) is repealed.

(b) PERSONNEL TO BE ASSIGNED.—Section 414 of such Act (105 Stat. 1352) is amended—

(1) in subsection (a), by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1992 and 1993";

(2) in subsection (c)(2), by striking out "1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units" and inserting in lieu thereof "2,000 members as advisers to combat units, combat support units, and combat service support units";

(3) in subsection (c)(3)—

(A) by striking out "officers" and inserting in lieu thereof "members";

(B) by striking out "in fiscal year 1993" and inserting in lieu thereof "during fiscal years 1992 and 1993"; and

(C) by striking out "section 401(b)(1)" and inserting in lieu thereof "section 401"; and

(4) in subsection (d), by striking out "may expand" and all that follows and inserting in lieu thereof "shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's evaluation of the program to that date. As part of the budget submission for fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.".

SEC. 512. LIMITATION ON NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended—

(1) by striking out "A member of a reserve component" and inserting in lieu thereof "The number of members of the reserve components";

(2) by striking out "may not be assigned" and inserting in lieu thereof "who are assigned"; and

(3) by striking out the period at the end and inserting in lieu thereof "may not exceed 200.".

SEC. 513. REPORT CONCERNING CERTAIN ACTIVE ARMY COMBAT SUPPORT AND COMBAT SERVICE SUPPORT POSITIONS.

(a) FINDING.—The Congress finds that the force structure of the active component of the Army contains approximately 13,700 positions for personnel having missions to provide combat support and combat service support to inactivated Army units formerly stationed in Europe and the continental United States.

(b) REPORT REQUIRED.—Section 402(c)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1350) is amended by adding at the end the following:

"(E) An assessment of the effect on combat readiness of realigning the missions referred to in subsection (a) to the reserve components of the Army, including an assessment on the capability of the early deploying contingency corps of a range of different mixes of active and reserve component combat support and combat service support units.".

SEC. 514. PREFERENCE IN GUARD AND RESERVE AFFILIATION FOR VOLUNTARILY SEPARATED MEMBERS.

Section 1150(a) of title 10, United States Code, is amended by striking out "involuntarily".

SEC. 515. TECHNICAL CORRECTION AND CODIFICATION OF REQUIREMENT OF BACCALAUREATE DEGREE FOR APPOINTMENT OR PROMOTION OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 595 the following new section:

"§596. Commissioned officers: appointment; educational requirement

"(a) IN GENERAL.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) The appointment to or recognition in a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

"(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

"(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

"(4) The appointment to or recognition in a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 595 the following new item:

"596. Commissioned officers: appointment; educational requirement.".

SEC. 516. DISABILITY RETIRED OR SEVERANCE PAY FOR RESERVE MEMBERS DISABLED WHILE TRAVELING TO OR FROM TRAINING.

(a) CONFORMANCE WITH OTHER PROVISIONS OF LAW.—Sections 1204(2) and 1206(4) of title 10,

United States Code, are amended by inserting after "inactive-duty training" the following: "or of traveling directly to or from the place at which such duty is performed".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 517. SERVICE CREDIT FOR CONCURRENT ENLISTED ACTIVE DUTY SERVICE PERFORMED BY ROTC MEMBERS WHILE IN THE SELECTED RESERVE.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof ", other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(2) Section 2107(g) of such title is amended by striking out the period at the end and inserting in lieu thereof ", other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(b) AMENDMENT TO TITLE 37.—Subsection (d) of section 205 of title 37, United States Code, is amended to read as follows:

"(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except that service after July 31, 1990, that the officer performed while serving on active duty other than for training as an enlisted member of the Selected Reserve may be so counted.".

SEC. 518. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

(a) LIMITATION.—The Secretary of Defense may not reduce the number of medical personnel in any reserve component below the number of such personnel in that reserve component on September 30, 1992.

(b) DEFINITION.—In subsection (a), the term "medical personnel" has the meaning given that term in section 115a(g)(2) of title 10, United States Code.

SEC. 519. ONE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1992.

(2) If the date of the enactment of this Act is after September 30, 1992, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 520. LIMITATION ON REENLISTMENT ELIGIBILITY FOR CERTAIN FORMER RESERVE OFFICERS OF ARMY AND AIR FORCE.

(a) LIMITATION FOR THE ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(b) LIMITATION FOR THE AIR FORCE.—Section 8258 of such title is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to persons discharged or released from active duty as commissioned officers in the Army Reserve or the Air Force Reserve, respectively, after the date of the enactment of this Act.

Subtitle C—Service Academies

SEC. 521. REPEAL OF REQUIREMENT THAT DEANS AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY BE GENERAL OFFICERS.

(a) DEAN OF ACADEMIC BOARD AT THE MILITARY ACADEMY.—Section 4335 of title 10, United States Code, is amended by striking out subsection (c).

(b) DEAN OF THE FACULTY AT THE AIR FORCE ACADEMY.—Section 9335 of such title is amended—

(1) in subsection (a), by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 522. ACADEMY PREPARATORY SCHOOLS.

Not later than April 1, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to make the operation of the preparatory schools of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy more efficient and cost effective. In preparing the plan, the Secretary shall consider the recommendations contained in the report of the Comptroller General, dated March 13, 1992, regarding such preparatory schools.

SEC. 523. COMPOSITION OF FACULTIES AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY.

(a) CIVILIAN FACULTY AT MILITARY ACADEMY.—Section 4331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Army to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(b) CIVILIAN FACULTY AT AIR FORCE ACADEMY.—Section 9331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Air Force to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(c) PROPOSED LEGISLATION TO INCREASE CIVILIAN FACULTY MEMBERS.—Not later than April 1, 1993, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives recommended legislation for—

(1) increasing the number of civilians on the faculty at the United States Military Academy and the United States Air Force Academy; and

(2) reducing the number of officers of the Armed Forces assigned or appointed as permanent faculty at the United States Military Academy and the United States Air Force Academy.

SEC. 524. NONINSTRUCTIONAL STAFF AT SERVICE ACADEMIES.

(a) REVIEW OF NONINSTRUCTIONAL STAFF POSITIONS.—The Inspector General of the Department of Defense shall conduct a management audit of the noninstructional staff positions at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to determine which positions are absolutely essential for the accomplishment of the mission of these service academies and the maintenance of the quality of life at these service academies.

(b) REPORT ON RESULTS OF REVIEW.—Not later than June 1, 1993, the Secretary of Defense shall submit to Congress a report specifying those actions taken or proposed to be taken as a result of the management audit required by subsection (a).

SEC. 525. AUTHORITY OF UNITED STATES MILITARY ACADEMY TO CONFER THE DEGREE OF MASTER OF ARTS IN LEADERSHIP DEVELOPMENT.

Upon the recommendation of the faculty of the United States Military Academy, the Superintendent of the Academy may confer the degree of master of arts in leadership development upon persons who—

(1) before the date of the enactment of this Act, graduated from the program in leadership development offered at the Academy and fulfilled the requirements for the degree; or

(2) as of that date, are enrolled in the program in leadership development offered at the Academy and subsequently graduate from the program and fulfill the requirements for the degree.

Subtitle D—Education and Training

SEC. 531. REPORT ON PARTICIPATION OF RESERVE PERSONNEL IN AIR FORCE UNDERGRADUATE PILOT TRAINING PROGRAM.

(a) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the undergraduate pilot training program of the Air Force. In the report the Secretary shall set forth the Secretary's determination as to whether pilot candidate participation from the reserve components is necessary in order for the Air Force to meet pilot requirements after fiscal year 1995. A report shall be submitted not later than February 1, 1993.

(b) LIMITATION.—The Secretary of the Air Force may not schedule any member of a reserve component for undergraduate pilot training until the report required by subsection (a) is submitted.

SEC. 532. ROTC SCHOLARSHIPS FOR NATIONAL GUARD.

(a) DESIGNATION OF SCHOLARSHIPS FOR ARMY NATIONAL GUARD.—Section 2107(h) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following:

"(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army for service upon commissioning in the Army National Guard, of which one half shall be for financial assistance awarded for a period of two years and the remainder shall be for financial assistance awarded for a period of four years. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection. The Secretary of the Army shall prescribe regulations to ensure a geographical distribution of the cadets who receive financial assistance under this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1993.

SEC. 533. JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) INCREASE IN AUTHORIZED NUMBER OF UNITS.—Subsection (a) of section 2031 of title 10, United States Code, is amended in the second sentence by striking out "1,600" and inserting in lieu thereof "3,500".

(b) PURPOSE OF PROGRAM.—Such subsection is further amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It is a purpose of the Junior Reserve Officers' Training Corps to instill in students in United States secondary educational institutions the values of citizenship, service to the United States, and personal responsibility and a sense of accomplishment.".

(c) REQUIREMENTS FOR ENROLLMENT.—Subsection (b)(1) of such section is amended—

(1) by striking out "at least 14 years of age" both places it appears and inserting in lieu thereof "in a grade above the 8th grade"; and

(2) by inserting ", or aliens lawfully admitted to the United States for permanent residence," after "of the United States".

(d) RESOURCES PROVIDED BY DEPARTMENT OF DEFENSE.—Subsection (c)(2) of such section is amended by inserting before the semicolon the following: "and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program".

(e) INSTRUCTOR PAY FORMULA.—(1) Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Notwithstanding the limitation in the preceding sentence, the Secretary concerned may pay to the institution more than one-half of the additional amount paid to the retired member by the institution if (as determined by the Secretary) the institution is in a educationally and economically deprived area and the Secretary determines that such action is in the national interest. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.".

(2) The amendment made by paragraph (1) shall apply with respect to payments for periods of instructor service performed after September 30, 1992.

Subtitle E—Other Matters

SEC. 541. RETENTION ON ACTIVE DUTY OF ENLISTED MEMBERS WITHIN TWO YEARS OF ELIGIBILITY FOR RETIREMENT.

(a) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service

"(a) REGULAR MEMBERS.—A regular enlisted member who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged is within two years of qualifying for retirement under section 3914 or 8914 of this title, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, shall be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, unless the member is sooner retired or discharged under any other provision of law.

"(b) RESERVE MEMBERS.—A reserve enlisted member serving on active duty who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or released from active duty is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or released from active duty without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or released from active duty the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or released from active duty.

"(2) If as of the date on which the member is to be discharged or released from active duty the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or released from active duty.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.".

SEC. 542. AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES.

(a) AUTHORITY TO ACCEPT HONORARIA.—Notwithstanding the prohibition on the acceptance of honoraria contained in section 501(b) of the Ethics in Government Act of 1978, a faculty member or a student at a Department of Defense school specified under subsection (d) may accept an honorarium for an appearance, a speech, or an article published in a bona fide publication if such an appearance, speech, or article is customary for scholarly or academic activities normally associated with institutions of higher learning and if—

(1) the purpose of the appearance, or the subject of the speech or article, does not relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student;

(2) the appearance, speech, or article (including the individual's time in specific preparation for the appearance, speech, or article) does not involve the use of Government time, Government property, or other resources of the Government or the use of nonpublic Government information;

(3) the reason for which the honorarium is paid is unrelated to the individual's duties or status as a member of the Armed Forces or employee of the Government or as a faculty member or student at a school specified in subsection (d); and

(4) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of the individual's duties as a member of the Armed Forces or an employee of the Government or as a faculty member or student at a school specified in subsection (d).

(b) SPECIAL RULE CONCERNING SUBJECT MATTER.—For purposes of subsection (a)(1), an appearance, speech, or article on a subject matter that is within an individual's academic or military specialty, in the case of a faculty member, or an individual's course of academic study, in the case of a student, shall not be considered to relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student if the prepa-

ration and presentation of the particular appearance, speech, or article is clearly outside of the individual's duties.

(c) NONCOVERAGE OF HIGHLY PAID FACULTY MEMBERS.—Subsection (a) shall not apply to acceptance of an honorarium by a faculty member who is employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5, United States Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for Level V of the Executive Schedule.

(d) COVERED SCHOOLS.—(1) This section applies with respect to faculty members and students at any of the service academies and at any professional military school operated by the Department of Defense that is designated by the Chairman of the Joint Chiefs of Staff to be covered by this section.

(2) For purposes of paragraph (1), the term "service academies" means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

(e) HONORARIUM DEFINED.—For purposes of this section, the term "honorarium" means a payment of money or anything of value for an appearance, a speech, or an article (including a series of appearances, speeches, or articles).

(f) MAXIMUM AMOUNT OF HONORARIUM.—The amount of any honorarium accepted under this section shall not exceed the usual and customary fee for the appearance, speech, or article for which the honorarium is paid, up to a maximum of $2,000.

(g) EFFECTIVE DATE.—This section shall apply with respect to any honorarium for an appearance or speech made, or an article published, on or after the date of the enactment of this Act.

SEC. 543. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

Section 554 of Public Law 102-190 (105 Stat. 1371) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking out "for any fiscal year"; and

(B) by striking out "provided" and all that follows and inserting in lieu thereof "available in appropriations for military personnel for fiscal year 1993."; and

(2) in subsection (d), by striking out "not later than" and all that follows and inserting in lieu thereof "not later than September 30, 1993.".

SEC. 544. MILITARY RESERVE TECHNICIANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Appointments of military reserve technicians to positions in the competitive service

"(a) For the purpose of this section, the term 'military reserve technician' has the meaning given such term by section 8401(30).

"(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing at least 15 years of such service and 20 years of service creditable under section 1332 of title 10, by reason of ceasing to satisfy the condition described in section 8401(30)(B) shall, if appropriate written application is submitted within 1 year after the date of separation, be offered a position described in subsection (c) not later than 6 months after the date of the application.

"(c) The position to be offered shall be a position—

"(1) in the competitive service;

"(2) within the Department of Defense;

"(3) for which the individual is qualified; and

"(4) the rate of basic pay for which is not less than the rate last received for technician service before separation.

"(d) This section shall not apply in the case of—

"(1) an involuntary separation for cause on charges of misconduct or delinquency; or

"(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

"(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointments of military reserve technicians to positions in the competitive service.".

SEC. 545. AIR RESERVE TECHNICIANS.

The Secretary of the Air Force shall carry out the High-Year Tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a Reservist before attaining age 60 if the technician has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

SEC. 546. MENTAL HEALTH EVALUATIONS OF MEMBERS OF ARMED FORCES.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable regulations to incorporate the requirements set forth in subsections (b), (c), and (d). In revising such regulations, the Secretary shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian health organizations.

(b) PROCEDURES FOR OUTPATIENT AND INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4), a commanding officer shall consult with a mental health professional prior to referring a member of the Armed Forces for a mental health evaluation to be conducted on an outpatient basis.

(2) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4)—

(A) a mental health evaluation of a member of the Armed Forces conducted on an inpatient basis shall be used only if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

(B) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit a member of the Armed Forces for a mental health evaluation to be conducted on an inpatient basis.

(3) The revisions required by subsection (a) shall provide that, when a commanding officer determines it is necessary to refer a member of the Armed Forces for a mental health evaluation, the commanding officer shall ensure that, except as provided in paragraph (4), the member is provided with a written notice of the referral. The notice shall, at a minimum, include the following:

(A) The date and time the mental health evaluation is scheduled.

(B) A brief explanation of why the referral is considered necessary.

(C) The name or names of the mental health professionals with whom the commanding officer has consulted prior to making the referral. If such consultation is not possible, the notice shall include the reasons why.

(D) The positions and telephone numbers of authorities, including attorneys and inspectors general, who can assist a member who wishes to question the referral.

(E) The rights of the member under the revisions required by subsection (a).

(F) The member's signature attesting to having received the information described in subparagraphs (A) through (E). If the member refuses to sign the attestation, the commanding officer shall so indicate in the notice.

(4) The revisions required by subsection (a) shall provide that, during emergencies, the procedures described in subsection (d) shall be followed in lieu of the procedures required by this subsection.

(c) RIGHTS OF MEMBERS.—The revisions required by subsection (a) shall provide that, in any case in which a member of the Armed Forces is referred for a mental health evaluation other than in an emergency, the following provisions apply:

(1) Upon the request of the member, an attorney who is a member of the Armed Forces or employed by the Department of Defense and who is designated to provide advice under this section shall advise the member of the ways in which the member may seek redress under this section.

(2) If a member of the Armed Forces submits to an Inspector General an allegation that the member was referred for a mental health evaluation in violation of the revised regulations, the Inspector General of the Department of Defense shall conduct or oversee an investigation of the allegation.

(3) The member shall have the right to also be evaluated by a mental health professional of the member's own choosing, if reasonably available. Any such evaluation, including an evaluation by a mental health professional who is not an employee of the Department of Defense, shall be conducted within a reasonable period of time after the member is referred for an evaluation and shall be at the member's own expense.

(4)(A) No person may restrict the member in communicating with an Inspector General, attorney, member of Congress, or others about the member's referral for a mental health evaluation.

(B) Subparagraph (A) does not apply to a communication that is unlawful.

(4) In situations other than emergencies, the member shall have at least two business days before a scheduled mental health evaluation to meet with an attorney, Inspector General, chaplain, or other appropriate party. If a commanding officer believes the condition of the member requires that such evaluation occur sooner, the commanding officer shall state the reasons in writing as part of the personnel record of the member.

(5) In the event the member is aboard a naval vessel or in a circumstance related to the member's military duties which makes compliance with any of the procedures in subsection (b) impractical, the commanding officer seeking the referral shall prepare a memorandum setting forth the reasons for the inability to comply with such procedures.

(d) ADDITIONAL RIGHTS OF MEMBERS AND PROCEDURES FOR EMERGENCY OR INVOLUNTARY INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that a member of the Armed Forces may be admitted, under criteria for admission set forth in such regulations, to a treatment facility for an emergency or involuntary mental health evaluation when there is reasonable cause to believe that the member may be suffering from a mental disorder. The revised regulations shall include definitions of the terms "emergency" and "mental disorder".

(2) The revised regulations shall provide that, in any case in which a member of the Armed Forces is admitted to a treatment facility for an

emergency or involuntary mental health evaluation, the following provisions apply:

(A) Reasonable efforts shall be made, as soon after admission as the member's condition permits, to inform the member of the reasons for the evaluation, the nature and consequences of the evaluation and any treatment, and the member's rights under this section.

(B) The member shall have the right to contact, as soon after admission as the member's condition permits, a friend, relative, attorney, or Inspector General.

(C) The member shall be evaluated by a psychiatrist or a physician within two business days after admittance, to determine if continued hospitalization and treatment is justified or if the member should be released from the facility.

(D) If a determination is made that continued hospitalization and treatment is justified, the member must be notified orally and in writing of the reasons for such determination.

(E) A review of the admission of the member and the appropriateness of continued hospitalization and treatment shall be conducted in accordance with procedures set forth in the regulations as required under paragraph (3).

(3) The revised regulations shall include procedures for the review referred to in paragraph (2)(E). Such procedures shall—

(A) specify the appropriate party (or parties) who is outside the individual's immediate chain of command and who is neutral and disinterested to conduct the review;

(B) specify the appropriate procedure for conducting the review;

(C) require that the member have the right to representation in such review by an attorney of the member's choosing at the member's expense, or by a judge advocate;

(D) specify the periods of time within which the review and any subsequent reviews should be conducted;

(E) specify the criteria to be used to determine whether continued treatment or discharge from the facility is appropriate;

(F) require the party or parties conducting the review to assess whether or not the mental health evaluation was used in an inappropriate, punitive, or retributive manner in violation of this section; and

(G) require that an assessment made pursuant to subparagraph (F) that the mental health evaluation was used in a manner in violation of this section shall be reported to the Inspector General of the Department of Defense and included by the Inspector General as part of the Inspector General's annual report.

(e) CONSTRUCTION.—Nothing in the regulations prescribed under this section shall be construed to discourage referrals for appropriate mental health evaluations when circumstances suggest the need for such action.

(f) PROHIBITION AGAINST THE USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) The revised regulations required by subsection (a) shall provide that no person may refer a member of the Armed Forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of title 10, United States Code, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

(2) Such revisions shall provide that an inappropriate referral for a mental health evaluation, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of title 10, United States Code. Persons not subject to the Uniform Code of Military Justice who fail to comply with the provisions of this section are subject to adverse administrative action.

(g) DEFINITIONS.—In this section:

(1) The term "member" means any member of the Army, Navy, Air Force, or Marine Corps.

(2) The term "Inspector General" means—

(A) an Inspector General appointed under the Inspector General Act of 1978; and

(B) an officer of the Armed Forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the Armed Forces.

(3) The term "mental health professional" means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work or a psychiatric clinical nurse specialist.

(4) The term "mental health evaluation" means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(5) The term "least restrictive alternative principle" means a principle under which a member of the Armed Forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting (A) that is no more restrictive than is conducive to the most effective form of treatment, and (B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.

(h) REPORT.—At the same time as the regulations required by this section are revised, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the process of preparing the regulations, including—

(1) an explanation of the degree to which any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations were considered;

(2) the manner in which the regulations differ from any such civilian guidelines; and

(3) the reasons for such differences.

(j) CONFORMING REPEAL.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is hereby repealed.

SEC. 547. REPORT ON THE SELECTIVE SERVICE SYSTEM.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Director of the Selective Service System, shall prepare a report regarding the continued requirement for registration under the selective service system. The report shall contain, at a minimum, analyses on the effect of suspension of the requirement for registration on—

(1) projected mobilization requirements, including the effect on the time it would take to increase the size of the Armed Forces in a national emergency;

(2) recruiting in the Armed Forces; and

(3) the organization and staffing of the selective service system.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the President not later than April 30, 1993, together with such recommendations as the Secretary considers to be appropriate in light of the analyses. The President shall transmit the report to Congress not later than May 31, 1993, together with a description of what actions, if any, the President proposes to take with respect to the report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 600. REFERENCE TO COMPENSATION AND OTHER PERSONNEL BENEFITS IN TITLE XLIV.

For provisions of this Act providing compensation and other personnel benefits for members of the Armed Forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401-4408) and section 4464.

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1993.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

SEC. 602. ADVANCE PAYMENTS IN CONNECTION WITH EVACUATIONS OF MEMBERS AND DEPENDENTS OF MEMBERS.

(a) EXPANDED AUTHORITY.—Section 1006(c) of title 37, United States Code, is amended by striking out the first and second sentences and inserting in lieu thereof the following new sentences: "Under regulations prescribed by the Secretary concerned, an advance of pay to a member of a uniformed service who is on duty outside the United States, or other place designated by the President, of not more than two months' basic pay may be made to a member if the member or the dependents of the member are ordered evacuated by competent authority. An advance of pay under this subsection is not subject to the conditions under which advances of pay may be made under subsection (a) or (b). An advance may be made on the basis of the evacuation of a member's dependents only if all dependents of members of the uniformed services are ordered evacuated from the place where the member's dependents are located. In the case of a member with dependents, the payment may be made directly to dependents previously designated by the member.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to evacuations on or after June 1, 1991.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "Navy or" and inserting in lieu thereof "Navy,"; and

(2) by inserting before the semicolon the following: ", or an officer in the Army Medical Specialist Corps".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1993".

(e) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(f) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993".

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(h) NURSE CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(j) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—(1) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(2)(A) In the case of person described in subparagraph (B) who executes an agreement described in subparagraph (C) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement for purposes of the bonus or special pay authorized under such agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1992.

(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act, would have qualified for an agreement described in subparagraph (C) with the Secretary concerned had the amendments made by this section taken effect on October 1, 1992.

(C) An agreement referred to in this paragraph is an agreement with the Secretary concerned for the payment of a bonus or special pay under section 301b, 302d, 302e, 308, 308a, 308b, 308c, 308e, 308h, or 308i of title 37, United States Code, or section 2130a of title 10, United States Code.

(D) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY INCREASE IN THE NUMBER OF DAYS A MEMBER MAY BE REIMBURSED FOR TEMPORARY LODGING EXPENSES.

Section 404a of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.".

SEC. 622. PROHIBITION ON THE ASSERTION OF LIENS ON PERSONAL PROPERTY BEING TRANSPORTED AT GOVERNMENT EXPENSE.

(a) TITLE 37.—Section 406 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(n) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.".

(b) TITLE 10.—Section 2634 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of a motor vehicle being transported under this section.".

SEC. 623. SUBSISTENCE REIMBURSEMENT RELATING TO ESCORTS OF FOREIGN ARMS CONTROL INSPECTION TEAMS.

(a) TRAVEL ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

"(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

"(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

"(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.".

(b) APPLICABILITY.—Section 434 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act.

SEC. 624. REFERENCES FOR TRAVEL AND TRANSPORTATION BENEFITS.

Section 404(e) of title 37, United States Code, is amended—

(1) by striking out "Military Airlift Command" and inserting in lieu thereof "Air Mobility Command"; and

(2) by striking out "or the Naval Aircraft Ferrying Squadrons," and inserting in lieu thereof "the Naval Aircraft Ferrying Squadrons, or any other unit determined by the Secretary concerned to be performing duties similar to the duties performed by such command or squadrons,".

SEC. 625. EVACUATION ALLOWANCES IN CONNECTION WITH HURRICANE ANDREW.

(a) COVERAGE OF EXPENSES INCURRED BEFORE REGULATORY CHANGE.—The changes made in the Joint Federal Travel Regulations on August 28 and August 29, 1992, to authorize the payment of allowances to members of the Armed Forces, federal civilian employees, and dependents of such members and employees who were ordered to depart from the vicinity of Homestead Air Force Base in the State of Florida as a consequence of Hurricane Andrew shall apply with respect to expenses in connection with such departure incurred on or after August 23, 1992 (the date of the ordered departure), to the extent the expenses would be covered by the regulations if the changes were effective on August 23, 1992.

(b) COVERAGE OF DEPENDENTS WHO DO NOT RESIDE WITH MEMBER.—(1) Section 405a(a) of title 37, United States Code, is amended—

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

(B) by inserting after paragraph (1) the following new paragraph:

"(2) a dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;".

(2) The amendments made by paragraph (1) shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. REQUIREMENT FOR SUBMISSION OF ALTERNATIVE APPROACHES ON CONCURRENT PAYMENT OF RETIRED OR RETAINER PAY AND VETERANS' DISABILITY COMPENSATION.

(a) REQUIREMENT FOR SUBMISSION OF ALTERNATIVES.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to members and former members of the Armed Forces of unreduced retired or retainer pay and unreduced compensation for service-connected disabilities payable under laws administered by the Secretary of Veterans Affairs. The report shall include alternative formulas to integrate those two benefits.

(b) DEADLINE FOR REPORT.—The report shall be submitted not later than April 1, 1993.

(c) RECOMMENDATIONS FOR LEGISLATION.—The Secretary may include with the report such recommendations for legislation as the Secretary considers to be appropriate.

SEC. 642. INCREASE IN RECOMPUTED RETIRED PAY FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.

(a) MEMBERS INITIALLY ENTERING SERVICE BEFORE SEPTEMBER 8, 1980.—Section 1402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section

and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the monthly rate of basic pay upon which the recomputation of such retired pay is based.

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(b) MEMBERS INITIALLY ENTERING SERVICE AFTER SEPTEMBER 7, 1980.—Section 1402a of such title is amended by adding at the end the following new subsection:

"(f) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the retired pay base upon which the recomputation of such retired pay is based.

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue for months beginning before the date of the enactment of this Act by reason of the amendments made by this section.

SEC. 643. MODIFICATION TO SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

Section 1405(g) of the Military Survivor Benefits Improvement Act of 1989 (10 U.S.C. 1448 note) is amended—

(1) by inserting "(1)" before "If a person"; and

(2) by adding at the end the following:

"(2) Paragraph (1) does not apply in the case of the death of a person making an election under subsection (a) if the beneficiary of that person under the election is the person's spouse and that spouse was entitled, before November 1, 1990, to receive dependency and indemnity compensation benefits from the Department of Veterans Affairs based on a previous marriage to another member or former member of the uniformed services.".

Subtitle E—Other Matters

SEC. 651. PROVISION OF TEMPORARY FOSTER CARE SERVICES OUTSIDE THE UNITED STATES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) OVERSEAS FOSTER CARE.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1045 the following new section:

"§1046. Overseas temporary foster care program

"(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

"(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1045, the following new item:

"1046. Overseas temporary foster care program.".

SEC. 652. REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING INTERIM BETWEEN TEST AND PERMANENT PROGRAM.

(a) REIMBURSEMENT OF ADOPTION EXPENSES.—Section 1052 of title 10, United States Code, and section 514 of title 14, United States Code, shall apply with respect to the reimbursement of adoption expenses incurred for an adoption proceeding completed during the period beginning on October 1, 1990, and ending on December 4, 1991, to the extent the adoption expenses would be covered by one of these sections if the adoption proceeding had been completed after December 4, 1991.

(b) TIME PERIOD FOR APPLICATION.—Subsection (a) shall apply to a person covered by such subsection only if the person applies to the Secretary of Defense or the Secretary of Transportation for the reimbursement of adoption expenses under section 1052 of title 10, United States Code, or section 514 of title 14, United States Code, whichever applies, within one year after the date of the enactment of this Act.

SEC. 653. PROTECTIONS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES.

(a) PAYMENTS UNDER COURT ORDERS.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by adding at the end the following new subsection (h):

"(h) VICTIMS OF DEPENDENT ABUSE.—(1) If, in the case of a member of the armed forces referred to in paragraph (2), a court order provides (as described in subsection (a)(2)(C)) for the payment of an amount from the disposable retired pay of that member of the armed forces to an eligible spouse or former spouse of that member, the Secretary of the military department concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such spouse or former spouse.

"(2) A spouse or former spouse of a member of the armed forces is eligible to receive payment under this subsection if—

"(A) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent (as defined in regulations prescribed by the Secretary of Defense); and

"(B) the spouse or former spouse—

"(i) was the victim of the abuse and was married to the member at the time of that abuse; or

"(ii) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(3) For the purposes of this subsection, the amount certified by the Secretary concerned in the case of a member referred to in paragraph (2) shall be deemed to be the disposable retired pay of that member.

"(4) Upon the request of a court or an eligible spouse or former spouse of a member of the armed forces referred to in paragraph (2) in connection with a civil action for the issuance of a court order in the case of that member, the Secretary concerned shall determine and certify the amount of the monthly retired pay that the member would have been entitled to receive as of the date of the certification if—

"(A) the member's eligibility for retired pay had not been terminated as described in paragraph (2); and

"(B) the member had retired on the effective date of that termination of eligibility.

"(5) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount payable under this section to the spouse or former spouse of a member described in paragraph (2) shall be increased at the same time. The amount shall be increased by the percent by which the retired pay of the member would have been increased if the member were receiving retired or retainer pay.

"(6) Notwithstanding any other provision of law, a member of the armed forces referred to in paragraph (2) shall have no ownership interest in, or claim against, any amount payable under this section to a spouse or former spouse of the member.

"(7)(A) If a former spouse receiving payments under this subsection with respect to a member referred to in paragraph (2) marries again after such payments begin, the eligibility of the former spouse to receive further payments under this subsection shall terminate on the date of such marriage.

"(B) A person's eligibility to receive payments under this subsection that is terminated under subparagraph (A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payments shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the payments shall be the amount that would have been paid if the continuity of the payments had not been interrupted by the marriage.

"(8) Payments in accordance with this subsection shall be made out of funds in the Department of Defense Military Retirement Fund established by section 1461 of this title.

"(9) A spouse or former spouse of a member of the armed forces referred to paragraph (2), while receiving payments in accordance with this subsection, shall be entitled—

"(A) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent and subject to the same requirements, limitations, and conditions as apply to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definitions in subparagraphs (F), (G), and (H) of section 1072(2) of this title;

"(B) to use the commissary and exchange stores to the same extent and subject to the same requirements, limitations, and conditions as apply pursuant to section 1062 of this title to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definition in subparagraph (F)(i) of section 1072(2) of this title; and

"(C) subject to the same requirements, limitations, and conditions as apply to spouses and former spouses of a retired member of the armed forces with regard to a particular benefit, to receive any other benefits that a spouse or a former spouse of a retired member of the armed forces is entitled to receive on the basis of being a spouse or former spouse, as the case may be, of a retired member of the armed forces.

If a spouse or former spouse eligible or entitled to receive a particular benefit under this paragraph is eligible or entitled to receive that benefit under another provision of law, the eligibility or entitlement of that spouse or former spouse to such benefit shall be determined under such other provision of law instead of this provision of law.

"(10) In this subsection:

"(A) The term 'dependent' means a spouse or dependent child.

"(B) The term 'dependent child', with respect to a member of the armed forces referred to in paragraph (2), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(i) is under 18 years of age;

"(ii) is incapable of self-support because of a mental or physical incapacity that existed be-

fore becoming 18 years of age and is dependent on the member for over one-half of the child's support; or

"(iii) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is dependent on the member for over one-half of the child's support.".

(b) CONFORMING AMENDMENTS.—Chapter 74 of such title is amended—

(1) in section 1461(b)—

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

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

(C) by adding at the end the following:

"(3) the authority provided in section 1408(h) of this title."; and

(2) in section 1463—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(5) amounts payable under section 1408(h) of this title.".

(c) PROSPECTIVE APPLICABILITY.—No entitlement to payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), shall accrue for periods before the date of the enactment of this Act.

(d) REPORT ON OTHER ACTIONS.—(1) Not later than December 15, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and planned to be taken in the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse to appropriate authorities.

(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1).

(e) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to estimate—

(A) the number of persons who will become eligible to receive payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), during each of fiscal years 1993 through 2000; and

(B) for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for separation from the Armed Forces as a result of having abused a spouse or dependent child.

(2) The study shall include a thorough analysis of—

(A) the effects, if any, of appeals and requests for clemency in the case of court-martial convictions on the entitlement to payments in accordance with subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a));

(B) the socio-economic effects on the dependents of members of the Armed Forces described in subsection (h)(2) of such section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 700. REFERENCE TO HEALTH CARE SERVICES IN TITLE XLIV.

For provisions of this Act regarding health care services as a consequence of the defense drawdown, see section 4408 relating to improved conversion health policies as part of transitional medical care and section 4409 relating to continued health coverage for members and dependents.

Subtitle A—Health Care Services

SEC. 701. REVISIONS TO DEPENDENTS' DENTAL PROGRAM UNDER CHAMPUS.

(a) REPEAL OF AUTHORITY TO ESTABLISH SUPPLEMENTAL PLANS.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and supplemental" in the first sentence; and

(B) by striking out the last sentence;

(2) in subsection (b), by striking out paragraph (3); and

(3) in subsection (d)—

(A) by striking out paragraph (2);

(B) by striking out "(1)" before "A basic"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) PREMIUM INCREASE AND SUBSIDY FOR JUNIOR ENLISTED PERSONNEL.—Subsection (b) of such section, as amended by subsection (a)(2), is further amended—

(1) in paragraph (2), by striking out "$10" and inserting in lieu thereof "$20"; and

(2) by adding at the end the following new paragraph:

"(3) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (2) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental benefits plan established under subsection (a). The reduction in the amount of the premium may not exceed $10 per month.".

(c) IMPROVEMENT IN BENEFITS.—Subsection (d) of such section, as amended by subsection (a)(3), is further amended—

(1) by striking out "only" in the matter above paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.".

(d) COPAYMENT FOR ADDITIONAL BENEFITS.—Subsection (e) of such section is amended to read as follows:

"(e) COPAYMENTS.—A member whose spouse or child receives care under a basic dental benefits plan shall—

"(1) pay no charge for care described in subsection (d)(1);

"(2) pay 20 percent of the charges for care described in subsection (d)(2); and

"(3) pay a percentage of the charges for care described in subsection (d)(3) that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.".

(e) REPEAL OF ANNUAL LIMIT ON EXPENDITURES UNDER PROGRAM.—Such section is further amended by striking out subsection (h).

(f) PROGRAM OF IMPROVED DEPENDENTS' DENTAL BENEFITS.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall devise and implement a program for the improvement of the provision of dental benefits to dependents of members of the Armed Forces under section 1076a of title 10, United States Code.

(2) For purposes of this subsection, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

(3) Of the funds appropriated pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to the Secretary of Defense for carrying out paragraph (1).

(g) EFFECTIVE DATE AND APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that—

(1) the $10 per month premium in effect under subsection (b)(2) of section 1076a of title 10, United States Code, on the day before the date of the enactment of this Act shall continue apply until April 1, 1993, to members enrolled in a basic dental benefits plan under such section; and

(2) the Secretary of Defense may not include the benefits authorized under subsection (d)(3) of such section, as added by subsection (c), in a basic dental benefits plan under such section until April 1, 1993.

SEC. 702. PROGRAMS RELATING TO THE SALE OF PHARMACEUTICALS.

(a) DEMONSTRATION PROJECT FOR PHARMACEUTICALS BY MAIL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the administering Secretaries, shall—

(1) establish a demonstration project that permits eligible persons described in subsection (c) to obtain prescription pharmaceuticals by mail in connection with medical care furnished to such persons under chapter 55 of title 10, United States Code; and

(2) conduct the demonstration project in two or more regions selected by the Secretary, each of which consists of two or more States.

(b) RETAIL PHARMACY NETWORK.—To the maximum extent practicable, the Secretary of Defense shall include in each managed health care program initiated, awarded, or renewed by the Secretary after January 1, 1993, a program to supply prescription pharmaceuticals to eligible persons described in subsection (c) through a managed care network of community retail pharmacies in the area covered by the managed health care program.

(c) ELIGIBLE PERSONS.—A person eligible to obtain pharmaceuticals under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b) is any person living in the area covered by the demonstration project or managed health care program—

(1) who is eligible for medical care under a contract for medical care entered into by the Secretary of Defense under section 1079 or 1086 of title 10, United States Code; or

(2) who—

(A) would be eligible for medical care under a contract for medical care entered into under section 1086 of such title except for operation of subsection (d)(1) of such section; and

(B) resides in an area that is adversely affected (as determined by the Secretary) by the closure of a health care facility of the uniformed services as a result of the closure or realignment of the military installation at which such facility is located.

(d) PHARMACEUTICALS OFFERED; PURCHASE FEES.—The Secretary of Defense, in consultation with the administering Secretaries, shall—

(A) determine the pharmaceuticals that may be obtained by eligible persons under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b); and

(B) establish an appropriate fee, charge, or copayment to be paid by such persons for pharmaceuticals obtained under the demonstration project or managed health care program.

(e) REPORT REGARDING DEMONSTRATION PROJECT.—Not later than two years after the establishment of the demonstration project under subsection (a), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the demonstration project required by subsection (a);

(2) containing such recommendations for revision of the demonstration project as the Secretary considers to be necessary; and

(3) containing a plan (including a schedule) for implementing the demonstration project throughout the United States.

(f) DEFINITIONS.—In this section, the terms "uniformed services" and "administering Secretaries" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 703. MAXIMUM ANNUAL AMOUNT FOR DEDUCTIBLES AND COPAYMENTS.

(a) REDUCED MAXIMUM ANNUAL AMOUNT.—Section 1086(b)(4) of title 10, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$7,500".

(b) APPLICABILITY AFTER FISCAL YEAR 1992.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1992.

SEC. 704. COMPREHENSIVE INDIVIDUAL CASE MANAGEMENT PROGRAM UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15)(D);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

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

"(17) the Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, may waive benefit limitations contained in paragraphs (5) and (13) of this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment if the Secretary determines that such a waiver is cost-effective and appropriate.".

SEC. 705. CONTINUATION OF CHAMPUS COVERAGE FOR CERTAIN MEDICARE PARTICIPANTS.

(a) INCLUSION OF END STAGE RENAL DISEASE PATIENTS.—Section 1086(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: "or section 226A(a) of such Act (42 U.S.C. 426-1(a))".

(b) COVERAGE OF CARE PROVIDED SINCE SEPTEMBER 30, 1991.—Subsection (d) of section 1086 of title 10, United States Code, as added by section 704(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1401) and amended by subsection (a) of this section, shall apply with respect to health care benefits or services received after September 30, 1991, by a person described in subsection (d)(2) of such section 1086 if such benefits or services would have been covered under a plan contracted for under such section 1086.

(c) CONFORMING AMENDMENTS.—(1) Section 704 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1401) is amended by striking out subsection (c).

(2) Section 8097 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1197) is repealed.

SEC. 706. HEALTH CARE FOR CHILDREN OF MEMBERS AND FORMER MEMBERS WHEN SUCH CHILDREN SUFFER MENTAL OR PHYSICAL INCAPACITY WHILE IN COLLEGE.

Section 1072(2) of title 10, United States Code, is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) an unmarried legitimate child, including an adopted child or stepchild, who—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support; or

"(iii) is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under clause (i) or (ii) and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support;".

Subtitle B—Health Care Management

SEC. 711. NATIONAL CLAIMS PROCESSING SYSTEM FOR CHAMPUS.

(a) CLAIMS PROCESSING SYSTEM REQUIRED.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall provide by contract for the operation of a claims processing system to be known as the "National Claims Processing System for CHAMPUS". The Secretary may procure the system in installments, including the use of incremental modules. The system, including completion and integration of all modules, shall be in full operation not later than seven years after the date of the enactment of this Act.

(2) The Secretary shall use competitive procedures for entering into any contract or contracts under paragraph (1).

(b) SYSTEM FUNCTIONS.—The claims processing system shall include at least the following functions:

(1) The maintenance in electronic or written form, or both, of appropriate information on health care services provided to covered beneficiaries by or through third parties under CHAMPUS or any alternative CHAMPUS program or demonstration project. Such information shall include—

(A) the services to which such beneficiaries are entitled or eligible under an insurance plan, medical service plan, or health plan under CHAMPUS;

(B) the insurers, medical services, or health plans that provide such services; and

(C) the services available to beneficiaries under each insurance plan, medical service plan, or health plan, and the payment required of the beneficiaries and the insurer, medical service, or health plan for such services under the plan.

(2) The ability to receive in electronic or written form claims submitted by insurers, medical services, and health plans for services provided to covered beneficiaries.

(3) The ability to process, adjudicate, and pay (by electronic or other means) such claims.

(4) The provision of the information described in paragraphs (1) and (2) and information on the matters referred to in paragraph (3) by telephone, electronic, or other means to covered beneficiaries, insurers, medical services, and health plans.

(c) CONSISTENCY WITH MEDICARE CLAIMS REQUIREMENTS.—The Secretary of Defense shall ensure, to the maximum extent practicable, that claims submitted to the claims processing system conform to the requirements applicable to claims submitted to the Secretary of Health and Human Services with respect to medical care provided under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(d) IDENTIFICATION CARD.—The Secretary of Defense shall take appropriate actions to determine whether the use by covered beneficiaries of a standard identification card containing electronically readable information will enhance the capability of the claims processing center to carry out the activities set forth in subsection (b).

(e) TRANSITION TO SYSTEM.—After January 1, 1996, any modification or acquisition related to claims processing systems operations in the Office of the Civilian Health and Medical Program of the Uniformed Services shall contain provisions to transfer such operations to the claims processing system required by subsection (a). After January 1, 1999, any renewal or acquisition for fiscal intermediary services (including coordinated care implementations in military hospitals and clinics) shall contain provisions to transfer claims processing systems operations related to such fiscal intermediary services to the claims processing system required by subsection (a).

(f) DEFINITIONS.—For purposes of this section:

(1) The term "administering Secretaries" has the meaning given that term in paragraph (3) of section 1072 of title 10, United States Code.

(2) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of such section.

(3) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

SEC. 712. CONDITION ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) CONDITION.—Except as provided in subsection (b), the Secretary of Defense may not expand the CHAMPUS reform initiative underway in the States of California and Hawaii to another location until not less than 90 days after the date on which the Secretary certifies to Congress that expansion of the initiative to that location is the most efficient method of providing health care to covered beneficiaries in that location. In determining whether the expansion of the CHAMPUS reform initiative to a location is the most efficient method of providing health care to covered beneficiaries in that location, the Secretary shall consider the cost-effectiveness of the initiative and the effect of the expansion of the initiative on the access of covered beneficiaries to health care and on the quality of health care received by covered beneficiaries.

(b) EXCEPTION.—The Secretary of Defense may waive the operation of the condition on the expansion of the CHAMPUS reform initiative specified in subsection (a) in order to expand the initiative to a location adversely affected by the closure or realignment of a military installation in that location, as determined by the Secretary.

(c) REPORT ON CERTIFICATION.—Not later than 30 days after a certification by the Secretary of Defense under subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating the certification.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "CHAMPUS reform initiative" and "initiative" mean the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 1073 note).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 713. ALTERNATIVE HEALTH CARE DELIVERY METHODOLOGIES.

(a) CONTINUATION OF HEALTH CARE REFORM INITIATIVES.—(1) During fiscal years 1993 through 1996, the Secretary of Defense shall continue to conduct a broad array of reform initiatives for furnishing health care to persons who are eligible to receive health care under chapter 55 of title 10, United States Code.

(2) The health care reform initiatives conducted in accordance with paragraph (1) shall include CHAMPUS alternatives, the CHAMPUS reform initiative, catchment area management, coordinated care, and such other reform initiatives as the Secretary of Defense considers to be appropriate.

(3) Not later than September 30, 1994, the Secretary shall submit to Congress a report regarding the health care reform initiatives conducted during fiscal years 1993 and 1994. The report shall include a discussion of the cost effectiveness of the initiatives and the extent to which the persons who received health care under such initiatives are satisfied with that health care.

(b) CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.—(1) The Secretary of Defense shall ensure that a replacement or successor contract for the CHAMPUS reform initiative contract applicable to the States of California and Hawaii is awarded in sufficient time for the contractor to begin to provide health care in those States under the replacement or successor contract not later than August 1, 1993.

(2) The Secretary shall use competitive procedures for awarding a replacement or successor contract under paragraph (1).

(c) EVALUATION OF CHAMPUS REFORM INITIATIVE.—(1) Not later than June 1, 1994, the Secretary of Defense shall enter into a contract with a non-Federal entity under which the entity will perform an evaluation of the performance of the CHAMPUS reform initiative in the States of California and Hawaii. The evaluation shall cover each of the fiscal years during which the initiative is carried out in those States under the replacement or successor contract referred to in subsection (b) and under the predecessor contracts. The evaluation shall include a comparison of the cost savings and claims experience resulting in each such fiscal year from carrying out the CHAMPUS reform initiative in those States.

(2) Not later than one year after the date on which the contract for evaluation is entered into under paragraph (1), the non-Federal entity making the evaluation shall submit to the Secretary and to Congress a report on the results of the evaluation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "CHAMPUS reform initiative" means the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 1073 note).

(4) The term "catchment area management" means the methodology provided for demonstration in accordance with section 731 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 10 U.S.C. 1092 note).

SEC. 714. MANAGED HEALTH CARE NETWORK FOR TIDEWATER REGION OF VIRGINIA.

(a) REAFFIRMATION OF COMMITMENT.—The delivery of health care services by the Department of Defense to members of the Armed Forces serving on active duty in the Tidewater region of Virginia and to covered beneficiaries under chapter 55 of title 10, United States Code, residing in that region shall be made in the manner specified in section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190; 105 Stat. 1402). That section shall not be construed as being limited, modified, or superseded by any provision of law contained in an appropriation Act, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this section; and

(2) states that the provision of law limits, modifies, or supersedes that section.

(b) CONTENT OF NETWORK.—Section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190; 105 Stat. 1402) is amended by adding at the end the following new paragraphs:

"(3) The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide for the operation of the program required by this subsection in a manner consistent with the military health care demonstration project underway in Charleston, South Carolina, including the following features—

"(A) a reduction of copayment and deductibles for covered beneficiaries who enroll in the program;

"(B) an opportunity for covered beneficiaries who do not enroll in the program to use the network of preferred providers established under the program and a reduction of copayment or deductibles for such covered beneficiaries; and

"(C) continued access for all covered beneficiaries to health care in military treatment facilities regardless of enrollment status, subject to the availability of space and facilities, the capabilities of the medical or dental staff, and reasonable preferences for covered beneficiaries who enroll in the program.

"(4) For purposes of this subsection, the term 'Policy Guidelines on the Department of Defense Coordinated Care Program' means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.".

SEC. 715. POSITIVE INCENTIVES UNDER THE COORDINATED CARE PROGRAM.

(a) INCLUSION OF POSITIVE INCENTIVES FOR ENROLLMENT.—The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide covered beneficiaries with additional positive incentives to enroll in the Coordinated Care Program of the Department of Defense.

(b) TYPES OF POSITIVE INCENTIVES.—The positive incentives provided under subsection (a) may include—

(1) a reduction of the copayment and deductibles prescribed under sections 1079 and 1086 of title 10, United States Code, for covered beneficiaries who enroll in the Coordinated Care Program;

(2) alternative cost-sharing requirements for certain types of care; and

(3) an expansion of the benefits provided under the Coordinated Care Program beyond the benefits authorized under CHAMPUS.

(c) EFFECT ON CERTAIN EXISTING PROGRAMS.—The modification required under subsection (a) shall permit health care demonstration projects in existence on the date of the enactment of this Act (including the CHAMPUS reform initiative, the catchment area management projects, the CHAMPUS select fiscal intermediary program in the Southeast Region, and the managed health care program established in the Tidewater region of Virginia) and future managed health care initiatives undertaken by the Department of Defense to offer covered beneficiaries who do not enroll in the Coordinated Care Program the opportunity to use a preferred provider network of health care providers.

(d) DETERMINATION OF INCENTIVES.—In determining what level and types of positive incentives are likely to induce covered beneficiaries to enroll in the Coordinated Care Program, the Secretary of Defense shall take into consideration the extent to which covered beneficiaries not enrolled in the program are permitted to choose health care providers without prior referral or approval.

(e) PROHIBITION ON EXCLUSIONS.—Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary of Defense may not deny access to military treatment facilities to covered beneficiaries who do not enroll in the Coordinated Care Program. However, the Secretary may establish reasonable admission preferences for covered beneficiaries enrolled in the program as an incentive to encourage enrollment.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "Policy Guidelines on the Department of Defense Coordinated Care Program" means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.

SEC. 716. EXCEPTION FROM FEDERAL ACQUISITION REGULATION FOR MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) is amended by adding at the end the following new sentence: "A participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).".

Subtitle C—Other Matters

SEC. 721. CORRECTION OF OMISSION IN DELAY OF INCREASE OF CHAMPUS DEDUCTIBLES RELATED TO OPERATION DESERT STORM.

(a) LOWER CHAMPUS ANNUAL DEDUCTIBLE.—In the case of health care provided under section 1079 or 1086 of title 10, United States Code, during the period beginning on April 1, 1991, and ending on September 30, 1991, to a CHAMPUS beneficiary described in subsection (b), the annual deductibles specified in such sections applicable to that care may not exceed the annual deductibles in effect under such sections on November 4, 1990.

(b) ELIGIBLE CHAMPUS BENEFICIARIES.—A CHAMPUS beneficiary referred to in subsection (a) is a covered beneficiary of the Civilian Health and Medical Program of the Uniformed Services who, during any portion of the period specified in that subsection—

(1) was a member or former member of a uniformed service entitled to retired or retainer pay and served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm; or

(2) was a dependent of a member of a uniformed service who served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(c) CREDIT OR REIMBURSEMENT OF EXCESS.—Subject to the availability of appropriated funds

to the Secretary of Defense, the Secretary shall provide—

(1) for the reimbursement of the amount of any deductible paid under section 1079 or 1086 of title 10, United States Code, during the period specified in subsection (a) in excess of the amount required to be paid by operation of that subsection; or

(2) for a credit against the annual deductible required under such sections for a fiscal year equal to the amount of the excess deductible paid.

(d) DEFINITIONS.—For purposes of this section, the term "Operation Desert Storm" has the meaning given that term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 10 U.S.C. 101 note).

SEC. 722. MILITARY HEALTH CARE FOR PERSONS RELIANT ON HEALTH CARE FACILITIES AT BASES BEING CLOSED OR REALIGNED.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a joint services working group on the provision of military health care to persons who rely for health care on health care facilities at military installations being closed or realigned.

(b) MEMBERSHIP.—The members of the working group shall include the Assistant Secretary of Defense for Health Affairs, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Air Force, or a designee of each such person, and one independent member appointed by the Secretary of Defense from among private citizens whose interest in matters within the responsibility of the working group qualify that person to represent all personnel entitled to health care under chapter 55 of title 10, United States Code.

(c) DUTIES.—(1) In the case of each closure or realignment of a military installation that will adversely affect the accessibility of health care in a facility of the uniformed services for persons entitled to such health care under chapter 55 of title 10, United States Code, the working group shall solicit the views of such persons regarding suitable substitutes for the furnishing of health care to those persons under that chapter.

(2) In carrying out paragraph (1), the working group—

(A) shall conduct meetings with persons referred to in that paragraph, or representatives of such persons;

(B) may use reliable sampling techniques;

(C) shall visit the areas where closures or realignments of military installations will adversely affect the accessibility of health care in a facility of the uniformed services for persons referred to in paragraph (1) and shall conduct public meetings; and

(D) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express views.

(d) RECOMMENDATIONS.—With respect to each closure and realignment of a military installation referred to in subsection (c), the working group shall submit to the Congress and the Secretary of Defense the working group's recommendations regarding the alternative means for continuing to provide accessible health care under chapter 55 of title 10, United States Code, to persons referred to in that subsection.

(e) APPLICATION OF ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the joint services working group established pursuant to this section.

SEC. 723. EXPANSION OF COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note) is amended—

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

"(3) A comprehensive review of the Federal employees health benefits program under chapter 89 of title 5, United States Code, in order to determine whether furnishing health care under a similar program to persons entitled to health care under chapter 55 of title 10, United States Code, would result in the efficient and cost-effective provision of health care to such persons."; and

(2) in subsection (e)—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) The results of the review under subsection (b)(3) and the Secretary's recommendations on the basis of those results.".

SEC. 724. ANNUAL BENEFICIARY SURVEY.

(a) SURVEY REQUIRED.—The administering Secretaries shall conduct annually a formal survey of persons receiving health care under chapter 55 of title 10, United States Code, in order to determine the following:

(1) The availability of health care services to such persons through the health care system provided for under that chapter, the types of services received, and the facilities in which the services were provided.

(2) The familiarity of such persons with the services available under that system and with the facilities in which such services are provided.

(3) The health of such persons.

(4) The level of satisfaction of such persons with that system and the quality of the health care provided through that system.

(5) Such others matters as the administering Secretaries determine appropriate.

(b) DEFINITION.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 725. STUDY ON RISK-SHARING CONTRACTS FOR HEALTH CARE.

(a) STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall carry out a study of the feasibility and advisability of entering into risk-sharing contracts with eligible organizations described in section 1876(b) of the Social Security Act (42 U.S.C. 1395mm(b)) to furnish health care services to persons entitled to health care in a facility of a uniformed service under section 1074(b) or 1076(b) of title 10, United States Code.

(b) PLAN.—If the Secretary of Defense determines as a result of the study required by subsection (a) that entry into risk-sharing contracts is feasible and advisable, the Secretary shall develop a plan for the entry into such contracts in accordance with the Secretary's determinations under the study.

(c) REPORT.—The Secretary of Defense shall submit to Congress a report describing the results of the study and containing any plan developed under subsection (b) to enter into risk-sharing contracts.

SEC. 726. SENSE OF CONGRESS REGARDING HEALTH CARE POLICY FOR THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members and former members of the uniformed services, and their dependents and survivors, should have access to health care under the health care delivery system of the uniformed services regardless of the age or health care status of the person seeking the health care;

(2) such health care delivery system should include a comprehensive managed care plan;

(3) the comprehensive managed care plan should involve medical personnel of the uniformed services (including reserve component personnel), civilian health care professionals of the executive agency of such uniformed services, medical treatment facilities of the uniformed services, contract health care personnel, and the medicare system;

(4) the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation should continue to provide active duty personnel of the uniformed services with free care in medical treatment facilities of the uniformed services and to provide the other personnel referred to in paragraph (1) with health care at reasonable cost to the recipients of the care; and

(5) the Secretaries referred to in paragraph (4) should examine additional health care options for the personnel referred to in paragraph (1) including, in the case of persons eligible for medicare under title XVIII of the Social Security Act, options providing for—

(A) the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such personnel at medical treatment facilities of the Department of Defense; and

(B) the sharing of the payment of the costs of contract health care by the Department of Defense and the Department of Health and Human Services, with one such department being the primary payer of such costs and the other such department being the secondary payer of such costs.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. CODIFICATION AND AMENDMENT OF SECTION 1207.

(a) CODIFICATION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2322 a new section 2323 consisting of—

(A) a heading as follows:

"§2323. Contract goal for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661), revised—

(i) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993" in subsection (a)(1) with "each of fiscal years 1987 through 2000";

(ii) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993." in subsection (h) with "each of fiscal years 1987 through 2000."; and

(iii) by replacing "of title 10, United States Code," in subsection (e)(2) with "of this title".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2322 the following new item:

"2323. Contract goal for small disadvantaged businesses and certain institutions of higher education.".

(b) GOALS.—Subsection (a) of section 2323 of title 10, United States Code, as added by subsection (a), is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall prescribe regulations that provide procedures or guidelines for contracting officers to set goals which Department of Defense prime contractors that

are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the Department's program to meet the 5 percent goal specified in paragraph (1) should meet in awarding subcontracts, including subcontracts to minority-owned media, to entities described in that paragraph.".

(c) ACTIONS TO ATTAIN GOAL.—Subsection (e) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking out "subsection (a)—" and inserting in lieu thereof "subsection (a):";

(2) by striking out paragraph (1), and inserting in lieu thereof the following:

"(1)(A) The Secretary of Defense shall—

"(i) ensure that substantial progress is made in increasing awards of Department of Defense contracts to entities described in subsection (a)(1);

"(ii) exercise his utmost authority, resourcefulness, and diligence; and

"(iii) actively monitor and assess the progress of the military departments, Defense Agencies, and prime contractors of the Department of Defense in attaining such goal.

"(B) In making the assessment under subparagraph (A)(iii), the Secretary shall evaluate the extent to which use of the authority provided in paragraphs (2) and (3) and compliance with the requirement in paragraph (4) is effective for facilitating the attainment of the goal.";

(3) by adding at the end of paragraph (2) the following: "The Secretary shall prescribe regulations that provide guidance to contracting officers for making advance payments to entities described in subsection (a)(1) under such section.";

(4) in paragraph (3), by inserting "and partial set asides for entities described in subsection (a)(1)" after "(including awards under section 8(a) of the Small Business Act"; and

(5) by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations which provide for the following:

"(A) Procedures or guidance for contracting officers to provide incentives for prime contractors referred to in subsection (a)(3) to increase subcontractor awards to entities described in subsection (a)(1).

"(B) A requirement that contracting officers emphasize the award of contracts to entities described in subsection (a)(1) in all industry categories, including those categories in which such entities have not traditionally dominated.

"(C) Guidance to Department of Defense personnel on the relationship among the following programs:

"(i) The program implementing this section.

"(ii) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(iii) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

"(D) With respect to a Department of Defense procurement which is reasonably likely to be set aside for entities described in subsection (a)(1), a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

"(E) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and under the small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)) are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of subsection (a).

"(F) Implementation of this section in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(G) A requirement that one factor used in evaluating the performance of a contracting officer be the ability of the officer to increase contract awards to entities described in subsection (a)(1).

"(H) Increased technical assistance to entities described in subsection (a)(1).".

(d) REQUIREMENTS RELATING TO STATUS.—Subsection (f) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "PENALTIES FOR MISREPRESENTATION.—Whoever" and inserting in lieu thereof "PENALTIES AND REGULATIONS RELATING TO STATUS.—(1) Whoever"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall prescribe regulations which provide for the following:

"(A) A requirement that a business which represents itself as an entity described in subsection (a)(1) and is seeking a Department of Defense contract maintain its status as an entity at the time of contract award.

"(B) A prohibition on the award of a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(e) DETERMINATION BY SECRETARY OF DEFENSE.—Section 2323 of title 10, United States Code, as added by subsection (a), is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by adding after subsection (f) the following new subsection (g):

"(g) DETERMINATION BY SECRETARY OF DEFENSE.—Under procedures prescribed by the Secretary of Defense, a person may request the Secretary to determine whether the use of small disadvantaged business set asides by a contracting activity of the Department of Defense has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity for the purposes of this section. Upon making a determination that a particular industry category is bearing a disproportionate share, the Secretary shall take appropriate actions to limit the contracting activity's use of set asides in awarding contracts in that particular industry category.".

(f) REPEAL OF REPORT ON PROGRESS IN MEETING CONTRACTING GOALS.—Effective on October 1, 1993, subsection (h) (as redesignated by subsection (e)) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "REPORTS" in the subsection heading and inserting in lieu thereof "REPORT";

(2) by striking out "final" in paragraph (2);

(3) by striking out "July 15" in paragraph (1) and all that follows through "Not later than" in paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "reports described in paragraphs (1) and (2) shall each" and inserting in lieu thereof "report required under paragraph (1) shall";

(5) by redesignating paragraph (4) as paragraph (3) and in that paragraph striking out "reports required under paragraph (2)" and inserting in lieu thereof "report required under paragraph (1)"; and

(6) by striking out paragraph (5).

(g) CODIFICATION OF RELATED PROVISION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2323 (as added by subsection (a)) a new section consisting of—

(A) a heading as follows:

"§2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note), revised in subsection (a) by replacing "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" with "section 2323 of this title".

(2) The table of sections at the beginning of such chapter, as amended by subsection (a), is further amended by inserting after the item relating to section 2323 the following:

"2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education.".

(h) CONFORMING REPEALS AND REDESIGNATIONS.—(1) Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3973) is repealed.

(2) Section 2304(b)(2) of title 10, United States Code, is amended by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of this title".

(3) Section 812(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1424) is amended by striking out "section 1207(c)(3) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323(c)(3) of title 10, United States Code.".

(4) Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note) is amended—

(A) in subsection (m)(4), by striking out "section 1207(a)(2) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code."; and

(B) in subsection (m)(6), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(5) Section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note) is repealed.

(6) Section 843 of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note), is amended—

(A) in subsection (b), by striking out "section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)." and inserting in lieu thereof "section 2323(a) of title 10, United States Code.";

(B) in subsection (c), by striking out "section 1207(f) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3974)." and inserting in lieu thereof "section 2323(f) of title 10, United States Code."; and

(C) in subsection (d)—

(i) by striking out "SECTION 1207 GOALS.—" and inserting in lieu thereof "DEPARTMENT OF DEFENSE GOALS.—"; and

(ii) by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)," and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(7) Section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989

(Public Law 100-180; 10 U.S.C. 2301 note) is repealed.

(8) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (k)(9), by striking out "section 1207 of Public Law 99-661." and inserting in lieu thereof "section 2323 of title 10, United States Code.";

(B) in subsection (m)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,"; and

(C) in subsection (m)(2)(C), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

(9) The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(A) in section 713(a), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987)" and inserting in lieu thereof "section 2323 of title 10, United States Code)";

(B) in section 721(a)(2)(B), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note);" and inserting in lieu thereof "section 2323 of title 10, United States Code;"; and

(C) in section 722(c)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

SEC. 802. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES AND SMALL BUSINESSES.

Section 2323 of title 10, United States Code, as added and amended by section 801, is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) COMPLIANCE WITH SUBCONTRACTING PLAN REQUIREMENTS.—(1) The Secretary of Defense shall prescribe regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the Department of Defense for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(2) The regulations required by paragraph (1) shall ensure that, with respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a factor in evaluating the bid or proposal.".

SEC. 803. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 804. CERTIFICATE OF COMPETENCY REQUIREMENTS.

(a) REQUIREMENT TO PROVIDE NOTICE IN SOLICITATION.—In the case of a contract to be entered into pursuant to the provisions of chapter 137 of title 10, United States Code, other than pursuant to simplified procedures referred to in section 2304(g) of such title, the solicitation for the contract shall contain a notice of the right of any small business concern bidding on the contract, in the case of a determination by the contracting officer that the concern is nonresponsible, to request the Small Business Administration to make a determination of the concern's responsibility under Section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).

(b) REQUIREMENT TO PROVIDE NOTICE OF DETERMINATION OF NONRESPONSIBILITY.—If the contracting officer determines that the small business concern bidding on the contract is nonresponsible, the contracting officer shall notify the small business concern in writing that the contracting officer has determined the concern to be nonresponsible, that the concern has the right to request the Small Business Administration to make a determination of the concern's responsibility, and that, if the small business concern desires to request such a determination by the Administration, the small business concern shall inform the contracting officer in writing, within 14 days after receipt of the notice from the contracting officer, of the concern's desire to request such a determination. After being so informed, the Government procurement officer shall transmit the request, together with pertinent documents, to the Administration. If the Government procurement officer is not so informed within such 14 days, the procurement officer may proceed with award of the contract.

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on October 1, 1992, and shall apply to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) REPORT.—Not later than October 1, 1994, the Secretary of Defense shall submit to Congress a report on the effectiveness and results of implementing the requirements of subsections (a) and (b), including such recommendations as the Secretary considers appropriate.

(e) TERMINATION.—Subsections (a) and (b) shall cease to be in effect on September 30, 1995.

SEC. 805. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) EXTENSION OF PROGRAM.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended by striking out "September 30, 1993" in the second sentence and inserting in lieu thereof "September 30, 1994".

(b) FISCAL YEAR 1994 PARTICIPANTS.—Such section is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) FISCAL YEAR 1994 PARTICIPANTS.—Only those contracting activities and contractors who negotiated subcontracting plans under demonstration projects conducted under the test program before October 1, 1993, may participate in demonstration projects conducted under the test program in fiscal year 1994.".

SEC. 806. EXTENSION OF TEST PROGRAM OF CONTRACTING FOR PRINTING-RELATED SERVICES FOR THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF AUTHORITY.—Section 843(e) of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 2000".

(b) SECTION HEADING.—The heading of section 843 of such Act is amended to read as follows:

"SEC. 843. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES IN PRINTING-RELATED SERVICES.".

SEC. 807. PILOT MENTOR-PROTEGE PROGRAM.

(a) REQUIREMENT.—Within 15 days after the date of the enactment of this Act, the Secretary of Defense shall publish in the Department of Defense Supplement to the Federal Acquisition Regulation the Department of Defense policy for the pilot Mentor-Protege Program and the regulations, directives, and administrative guidance pertaining to such program as such policy, regulations, directives, and administrative guidance existed on December 6, 1991. Proposed modifications to that policy and any amendments of the matters published pursuant to the preceding sentence that are proposed in order to implement any of the amendments made by this section shall be published for public comment within 60 days after the date of the enactment of this Act and shall be published in final form within 120 days after such date.

(b) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) Subsection (h) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows:

"(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

"(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine a disadvantaged small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

"(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.".

(2) The amendment made by this subsection shall take effect as of November 5, 1990.

(c) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title I of this Act, $55,000,000 shall be available for the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal year 1991 (10 U.S.C. 2301 note).

SEC. 808. CODIFICATION OF RECURRING PROVISION RELATING TO SUBCONTRACTING WITH CERTAIN NONPROFIT AGENCIES.

(a) POLICY.—Section 2301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or other severely handicapped (as defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.".

(b) CREDIT UNDER SMALL BUSINESS SUBCONTRACTING PLAN.—(1) Chapter 141 of title 10, United States Code, as amended by section 384, is further amended by adding at the end the following new section:

"§2410d. Subcontracting plans: credit for certain purchases

"(a) PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.—In the case of a business concern that has negotiated a small business subcontracting plan with a military department or a Defense Agency, purchases made by that business concern from qualified nonprofit agencies

for the blind or other severely handicapped shall count toward meeting the subcontracting goal provided in that plan.

"(b) DEFINITIONS.—In this section:

"(1) The term 'small business subcontracting plan' means a plan negotiated pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) that establishes a goal for the participation of small business concerns as subcontractors under a contract.

"(2) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(A) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(B) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(3) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of such Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

"(4) The term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46–48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.

"(c) TERMINATION.—Subsection (a) shall cease to be effective at the end of September 30, 1994.".

(2) The table of sections at the beginning of such chapter, as amended by section 384, is further amended by adding at the end the following new item:

"2410d. Subcontracting plans: credit for certain purchases.".

(c) EFFECTIVE DATE.—Sections 2301(d) and 2410d of title 10, United States Code (as added by subsections (a) and (b), respectively), shall take effect on October 1, 1993.

Subtitle B—Acquisition Management Improvement

SEC. 811. EXPANSION AND EXTENSION OF AUTHORITY UNDER MAJOR DEFENSE ACQUISITION PILOT PROGRAM.

(a) EXPANSION OF COVERAGE OF PROGRAM.—(1) Section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1593; 10 U.S.C. 2430 note) is amended—

(A) by striking out "major defense acquisition program" each place it appears and inserting in lieu thereof "defense acquisition program";

(B) by striking out "major defense acquisition programs" each place it appears and inserting in lieu thereof "defense acquisition programs"; and

(C) by striking out subsection (i).

*(2) The heading for such section is amended by striking out "**major**".*

(b) EXTENSION.—Subsection (h) of section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1595; 10 U.S.C. 2430 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 812. ACQUISITION WORKFORCE IMPROVEMENT.

(a) 5-YEAR REVIEW OF ASSIGNMENTS.—Section 1734(e)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date."

(b) WAIVER OF ASSIGNMENT PERIODS FOR DEPUTY PROGRAM MANAGERS.—(1) Section 1734(a) of such title is amended—

(A) in paragraph (1), by inserting "and paragraph (3)" after "Except as provided under subsection (b)"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(2) Section 1734(b) of such title is amended—

(A) in paragraph (1)(A), by inserting "(except as provided in paragraph (3))" after "deputy program manager"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(c) FULFILLMENT STANDARDS FOR MANDATORY TRAINING.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall develop fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(2) The fulfillment standards developed under paragraph (1) shall take effect as of November 5, 1990, and shall cease to be in effect on October 1, 1997.

(3) The fulfillment standards required under paragraph (1) shall be developed not later than 90 days after the date of the enactment of this Act.

(d) EXPERIENCE REQUIREMENTS FOR DEPUTY PROGRAM MANAGERS.—Section 1735(b)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "or deputy program manager"; and

(B) by striking out "and" at the end;

(2) in subparagraph (B)—

(A) by striking out "or deputy program manager"; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

"(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.".

(e) BUSINESS MANAGEMENT TRAINING AND EDUCATION.—(1) Clause (ii) of section 1732(b)(2)(B) of such title is amended by inserting before the period the following: "or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)".

(2) The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii) of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act.

(f) SCHOLARSHIP PROGRAM.—Section 1744 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking "Secretary), and (D)" and all that follows through the period and inserting "Secretary)."; and

(B) by inserting "and" before "(C)";

(2) by adding at the end of subsection (c) the following:

"(3) The participant's agreement that, after successfully completing the course of education, the participant—

"(A) shall accept, if offered within such time as shall be specified in the agreement, an appointment to a full-time acquisition position in the Department of Defense that is commensurate with the participant's academic degree and experience, and that is—

"(i) in the excepted service, if the participant has not previously acquired competitive status, with the right, after successful completion of 2 years of service and such other requirements as the Office of Personnel Management may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33 of title 5; or

"(ii) in the competitive service, if the participant has previously acquired competitive status; and

"(B) if appointed under subparagraph (A), shall serve for 1 calendar year for each school year or part thereof for which the participant was provided a scholarship under the scholarship program."; and

(3) by adding at the end the following:

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a position be offered to a person after such person successfully completes the course of education agreed to. However, if no position described in subsection (c)(3)(A) is offered within the time specified in the agreement, the agreement shall be considered terminated.

"(f) DEFINITIONS.—In this section, the terms 'competitive service' and 'excepted service' have the meanings provided those terms by sections 2102 and 2103, respectively, of title 5.".

(g) REVISED DEADLINE FOR CONTROLLER GENERAL REPORT.—Section 1208(a) of Public Law 101–510 (10 U.S.C. 1701 note; 104 Stat. 1665) is amended in the second sentence by striking out "Not later than two years after the date of the enactment of this Act," and inserting in lieu thereof "Not later than February 1, 1993,".

SEC. 813. CERTIFICATION OF CONTRACT CLAIMS.

(a) REGULATIONS ON CERTIFICATION OF CONTRACT CLAIMS.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384 and 808, is further amended by adding at the end the following new section:

"§2410e. Contract claims: certification regulations

"(a) REGULATIONS.—The Secretary of Defense may propose, for inclusion in the Federal Acquisition Regulation, regulations relating to certification of contract claims, requests for equitable adjustment to contract terms, and requests for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) that exceed $100,000. Such regulations, at a minimum, shall—

"(1) provide that a contract claim, request for equitable adjustment to contract terms, or request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) may not be paid unless the contractor provides, at the time the claim or request is submitted, the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)); and

"(2) require that the person who certifies such a claim or request be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request, knowledge of the accuracy and completeness of the supporting data, and knowledge of the claim or request.

"(b) PUBLICATION.—The Secretary of Defense shall ensure that, upon promulgation of the reg-

ulations, the regulations are published in the Federal Register.

"(c) REPORT.—If at any time the Secretary of Defense proposes revisions to the regulations promulgated pursuant to this section, the Secretary shall ensure that the proposed revisions are published in the Federal Register and, at the time of publication of such revisions, shall submit to Congress a report describing the proposed revisions and explaining why the regulations should be revised. The Secretary of Defense may not promulgate regulations containing such proposed revisions until the expiration of the 90-day period beginning on the date of receipt by Congress of such report."

(2) The table of sections at the beginning of such chapter, as amended by sections 384 and 808, is further amended by adding at the end the following new item:

"2410e. Contract claims: certification regulations.".

(b) REPEAL.—Section 2410 of title 10, United States Code, is repealed, effective upon the promulgation of regulations pursuant to section 2410e of title 10, United States Code, as added by subsection (a).

(c) ADJUSTMENT OF SHIPBUILDING CONTRACTS.—Section 2405 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If a certification referred to in subsection (b) with respect to a shipbuilding contract is determined to be deficient because of the position, status, or scope of authority of the person executing the certification, the contractor may resubmit the certification. The resubmitted certification shall be based on the knowledge of the contractor and the supporting data that existed when the original certification was submitted. The appropriateness of the person executing the resubmitted certification shall be determined on the basis of applicable law in effect at the time of the resubmission.

"(2) If a certification is resubmitted pursuant to paragraph (1) by the date described in paragraph (3), the resubmitted certification shall be deemed to have been submitted for purposes of this section at the time the original certification was submitted.

"(3) The date by which a certification may be resubmitted for purposes paragraph (2) is the date which is the later of—

"(A) 90 days after the promulgation of regulations under section 2410e(a) of this title; or

"(B) 30 days after the date which is the earlier of the date on which—

"(i) the contractor is notified in writing, by an individual designated to make such notification by the Secretary of Defense, of the deficiency in the previously submitted claim, request, or demand;

"(ii) a board of contract appeals issues a decision determining the previously submitted claim, request, or demand to be deficient; or

"(iii) a Federal court renders a judgment determining the previously submitted claim, request, or demand to be deficient."

SEC. 814. DEADLINE FOR REPORT ON RIGHTS IN TECHNICAL DATA REGULATIONS.

(a) REQUIREMENT TO SUBMIT REPORT WHEN CONGRESS IS IN SESSION.—Section 807(a)(3)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1422) is amended by striking out "transmit" and inserting in lieu thereof the following: "transmit, on a day on which both Houses of Congress are in session,".

(b) COMPUTATION OF PERIOD OF RESTRICTION.—Section 807(c) of such Act is amended—

(1) in paragraph (1), by striking out "date described" and inserting in lieu thereof "expiration of the period described"; and

(2) in paragraph (2)—

(A) by striking out "The date referred to in paragraph (1) is the date 30 days following" and inserting in lieu thereof the following: "The period referred to in paragraph (1) is the period of 30 days of continuous session of Congress beginning on"; and

(B) by adding at the end the following new sentence: "For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.".

SEC. 815. REQUIREMENT TO ESTABLISH SINGLE POINT OF CONTACT FOR INFORMATION CONCERNING PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.

(a) REQUIREMENT.—Section 2408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SINGLE POINT OF CONTACT FOR INFORMATION.—(1) The Attorney General shall ensure that a single point of contact is established to enable a defense contractor or subcontractor to promptly obtain information regarding whether a person that the contractor or subcontractor proposes to use for an activity covered by paragraph (1) of subsection (a) is under a prohibition under that subsection.

"(2) The procedure for obtaining such information shall be specified in regulations prescribed by the Secretary of Defense under subsection (a).".

(b) DEADLINE.—The single point of contact required by section 2408(c) of title 10, United States Code, as added by subsection (a), shall be established not later than 120 days after the date of the enactment of this Act.

SEC. 816. EXTENSION OF PROGRAM FOR USE OF MASTER AGREEMENTS FOR PROCUREMENT OF ADVISORY AND ASSISTANCE SERVICES.

Section 2304(j) of title 10, United States Code, is amended in paragraph (5) by striking out "at the end of" and all that follows and inserting in lieu thereof "on September 30, 1994.".

SEC. 817. MAJOR DEFENSE ACQUISITION PROGRAM REPORTS.

(a) SELECTED ACQUISITION REPORTS FOR CERTAIN PROGRAMS.—Section 127(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1044; 10 U.S.C. 2432 note) is amended by striking out "at the end of each fiscal year quarter" and inserting in lieu thereof ", in accordance with the provisions of subsection (b) of section 2432 of title 10, United States Code,".

(b) MINIMUM AMOUNT CRITERIA FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2430 of title 10, United States Code, is amended—

(1) by designating the existing test as subsection (a);

(2) in paragraph (2) of that subsection, as so designated—

(A) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000";

(B) by striking out "1980" both places it appears and inserting in lieu thereof "1990"; and

(C) by striking out "$1,000,000,000" and inserting in lieu thereof "$1,800,000,000"; and

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

"(b) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in subsection (a)(2) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the Committees on Armed Services of the Senate and House of Representatives.".

(c) SELECTED ACQUISITION REPORTS.—(1) Subsection (a) of section 2432 of title 10, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'major contract', with respect to a major defense acquisition program, means each of the six largest prime, associate, or Government-furnished equipment contracts under the program that is in excess of $40,000,000.".

(2) Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) The Secretary of Defense may waive the requirement for submission of Selected Acquisition Reports for a program for a fiscal year if—

"(i) the program has not entered full scale development or engineering and manufacturing development;

"(ii) a reasonable cost estimate has not been established for such program; and

"(iii) the system configuration for such program is not well defined.

"(B) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of each waiver under subparagraph (A) for a program for a fiscal year not later than 60 days before the President submits the budget to Congress pursuant to section 1105 of title 31 in that fiscal year.".

(3) Subsection (c)(2) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary of Defense may approve changes in the content of the Selected Acquisition Report if the Secretary provides such Committees with written notification of such changes at least 60 days before the date of the report that incorporates the changes.".

(4) Subsection (c)(3)(C) of such section is amended by striking out clauses (i) through (vii) and inserting in lieu thereof the following:

"(i) Specification of the baseline production rate, defined as the rate or rates to be achieved at full rate production as assumed in the decision to proceed with production (commonly referred to as the 'Milestone III' decision).

"(ii) Specification, for each of the two budget years of production under the program, of the minimum sustaining production rate, defined as the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.

"(iii) Specification, for each of the two budget years of production under the program, of the maximum production rate, defined as the production rate for each budget year that is attainable with the facilities and tooling programmed to be available for procurement under the program or otherwise to be provided with Government funds.

"(iv) Specification, for each of the two budget years of production, of the current production rate, defined as the production rate for each budget year for which the report is submitted, based on the budget submitted to Congress pursuant to section 1105 of title 31.

"(v) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the minimum sustaining production rate specified pursuant to clause (ii); and

"(II) between the total remaining procurement cost at the production rate specified pursuant to clause (iv) and the total remaining procurement cost at the minimum sustaining production rate specified pursuant to clause (ii).

"(vi) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the current production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the maximum production rate specified pursuant to clause (iii); and

"(II) between the total remaining procurement cost at the current production rate specified

pursuant to clause (iv) and the total remaining procurement cost at the maximum production rate specified pursuant to clause (iii).

"(vii) Estimation of quantity variance—

"(I) between the budget year quantities assumed in the minimum sustaining production rate specified pursuant to clause (ii) and the current production rate specified pursuant to clause (iv); and

"(II) between the budget year quantities assumed in the maximum production rate specified pursuant to clause (iii) and the current production rate specified pursuant to clause (iv).".

(d) UNIT COST REPORTS.—(1) Subsection (a)(4)(C) of section 2433 of title 10, United States Code, is amended by striking out "(e)(2)(B)(ii)" and inserting in lieu thereof "(e)(2)(B)".

(2) Subsection (b) of such section is amended by striking out "7 days (excluding Saturdays, Sundays, and legal public holidays)" in the second sentence and inserting in lieu thereof "30 calendar days".

(3) Paragraphs (1)(A), (1)(B), (2)(A), and (2)(B) of subsection (c) of such section are amended by striking out "more than" each place it appears and inserting in lieu thereof "at least".

(4) Subsection (d) of such section is amended—

(A) by striking out "more than" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "at least"; and

(B) in paragraph (3) of such subsection—

(i) by striking out "more than" each place it appears and inserting in lieu thereof "at least"; and

(ii) by striking out "program within 30 days" and all that follows and inserting in lieu thereof "program. In the case of a determination based on a quarterly report submitted in accordance with subsection (b), the Secretary shall submit the notification to Congress within 45 days after the end of the quarter. In the case of a determination based on a report submitted in accordance with subsection (c), the Secretary shall submit the notification to Congress within 45 days after the date of that report. The Secretary shall include in the notification the date on which the determination was made.".

(5) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) Except as provided in subparagraph (B), whenever the Secretary concerned determines under subsection (d) that the program acquisition unit cost or the current procurement unit cost of a major defense acquisition program has increased by at least 15 percent, a Selected Acquisition Report shall be submitted to Congress for the first fiscal-year quarter ending on or after the date of the determination or for the fiscal-year quarter which immediately precedes the first fiscal-year quarter ending on or after that date. The report shall include the information described in section 2432(e) of this title and shall be submitted in accordance with section 2432(f) of this title.";

(B) in paragraph (2), by striking out "current program acquisition cost" and inserting in lieu thereof "program acquisition unit cost or current procurement unit cost"; and

(C) in paragraph (3), by striking out "more than" each place it appears and inserting in lieu thereof "at least".

SEC. 818. ALLOWABLE COSTS.

(a) PENALTIES.—Section 2324 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "(1)";

(B) in paragraph (2)—

(i) by striking out "(2)" and inserting in lieu thereof "(b)(1)";

(ii) by striking out "by clear and convincing evidence";

(iii) by inserting "expressly" before "unallowable";

(iv) by striking out "under paragraph (1)" and inserting in lieu thereof "under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs"; and

(v) in subparagraph (A), by striking out "costs" and inserting in lieu thereof the following: "cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(2) in subsection (b)—

(A) by striking out "(b) If the Secretary" and inserting in lieu thereof "(2) If the Secretary";

(B) by striking out ", in addition to the penalty assessed under subsection (a),"; and

(C) by striking out "the amount of such cost" and inserting in lieu thereof "the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(3) by striking out subsection (d);

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting before subsection (d) (as so redesignated) the following:

"(c) The Secretary shall prescribe regulations providing for a penalty under subsection (b) to be waived in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply, as provided in regulations prescribed by the Secretary of Defense, with respect to proposals for settlement of indirect costs for which the Federal Government has not formally initiated an audit before that date.

SEC. 819. ADVISORY AND ASSISTANCE SERVICES FOR OPERATIONAL TEST AND EVALUATION.

Paragraph (3) of section 2399(e) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)"; and

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

"(B) The limitation in subparagraph (A) does not apply to a contractor that has participated in such development, production, or testing solely as a representative of the Federal Government.".

SEC. 820. REGULATIONS RELATING TO SUBSTANTIAL CHANGES IN THE PARTICIPATION OF A MILITARY DEPARTMENT IN A JOINT ACQUISITION PROGRAM.

(a) REGULATIONS REQUIRED.—Section 2308 of title 10, United States Code, is amended—

(1) by designating the existing text as subsection (a); and

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

"(b) REGULATIONS REQUIRED.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition to require a military department approved for termination or substantial reduction in participation in a joint acquisition program to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (b) of section 2308 of title 10, United States Code (as added by subsection (a)), not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993.

SEC. 821. COMPETITIVE PROTOTYPING REQUIREMENT FOR DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT FOR COMPETITIVE PROTOTYPING.—(1) Chapter 144 of title 10, United States Code, is amended—

(A) by redesignating section 2438 as section 2439; and

(B) by adding after section 2437 the following new section:

"§2438. Major programs: competitive prototyping

"(a) ACQUISITION STRATEGY.—Except as provided in subsection (c), before development under a major defense acquisition program begins, the Secretary of Defense shall prepare an acquisition strategy for the program which provides for the competitive prototyping of the major weapon system under the program and any major subsystems of the system in accordance with subsection (b).

"(b) COMPETITIVE PROTOTYPING REQUIREMENTS.—An acquisition strategy meets the requirement of subsection (a) if it—

"(1) requires that contracts be entered into with not less than two contractors, using the same combat performance requirements, for the competitive design and manufacture of a prototype system or subsystem for developmental test and evaluation;

"(2) requires that all systems or subsystems developed under contracts described in paragraph (1) be tested in a comparative side-by-side test that is designed to—

"(A) reproduce combat conditions to the extent practicable; and

"(B) determine which system or subsystem is most effective under such conditions; and

"(3) requires that each contractor that develops a prototype system or subsystem, before the testing described in paragraph (2) is begun, submit—

"(A) cost estimates for full-scale engineering development and the basis for such estimates; and

"(B) production estimates, whenever practicable.

"(c) EXCEPTION.—Subsection (a) shall not apply to the development of a major weapon system (or subsystem of such system) after—

"(1) a written justification is submitted to the Under Secretary of Defense for Acquisition explaining why use of competitive prototyping is not practicable, including cost estimates (and the bases for such estimates) comparing the total program cost of an acquisition strategy that provides for competitive prototyping with the total program cost of an acquisition strategy that does not provide for such prototyping; and

"(2) 30 days elapse after the submission of such justification to the Under Secretary of Defense for Acquisition.

"(d) DEFINITIONS.—In this section:

"(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $300,000,000 (based on fiscal year 1990 constant dollars).

"(1) The term 'major weapon system' means a major weapon system that is acquired under a program that is a major defense acquisition program.

"(2) The term 'subsystem of such system' means a collection of components (such as the propulsion system, avionics, or weapon controls) for which the prime contractors, major subcontractors, or government entities have responsibility for system integration.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2438 and inserting in lieu thereof the following new items:

"2438. Major programs: competitive prototyping.
"2439. Major programs: competitive alternative sources.".

(b) EFFECTIVE DATE.—Section 2438 of title 10, United States Code, as added by subsection (a), shall apply with respect to major programs entering development after the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) CONFORMING REPEAL.—(1) Section 2365 of title 10, United States Code, is repealed.

(2) The table of sections for chapter 139 of such title is amended by striking out the item relating to section 2365.

Subtitle C—Other Matters

SEC. 831. REPEAL OF PROCUREMENT LIMITATION ON TYPEWRITERS.

(a) REPEAL.—Subsection (c) of section 2534 of title 10, United States Code, as redesignated by section 4202(a), is hereby repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

SEC. 832. PROCUREMENT LIMITATION ON BALL BEARINGS AND ROLLER BEARINGS.

During fiscal years 1993, 1994, and 1995, the Secretary of Defense may not procure ball bearings or roller bearings other than in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on the date of the enactment of this Act.

SEC. 833. RESTRICTION ON PURCHASE OF SONOBUOYS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, as redesignated by section 4202(a) and as amended by section 831, is further amended by adding at the end the following new subsection:

"(f) SONOBUOYS.—(1) The Secretary of Defense may not procure a sonobuoy manufactured in a foreign country if United States firms that manufacture sonobuoys are not permitted to compete on an equal basis with foreign manufacturing firms for the sale of sonobuoys in that foreign country.

"(2) The Secretary may waive the limitation in paragraph (1) with respect to a particular procurement of sonobuoys if the Secretary determines that such procurement is in the national security interests of the United States.

"(3) In this subsection, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.".

(b) EFFECTIVE DATE.—Subsection (f) of section 2534 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

SEC. 834. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new section:

"§2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels

"(a) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a 'Made in America' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting with the Department of Defense. If the Secretary determines that the person should not be debarred, the Secretary shall submit to Congress a report on such determination not later than 30 days after the determination is made.

"(b) For purposes of this section, the term 'debar' has the meaning given that term by section 2393(c) of this title.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new item:

"2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels.".

(b) EFFECTIVE DATE.—Section 2410f of title 10, United States Code, as added by subsection (a), shall take effect 90 days after the date of the enactment of this Act.

SEC. 835. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—No entity controlled by a foreign government may merge with, acquire, or take over a company engaged in interstate commerce in the United States that—

(1) is performing a Department of Defense contract, or a Department of Energy contract under a national security program, that cannot be performed satisfactorily unless that company is given access to information in a proscribed category of information; or

(2) during the previous fiscal year, was awarded—

(A) Department of Defense prime contracts in an aggregate amount in excess of $500,000,000; or

(B) Department of Energy prime contracts under national security programs in an aggregate amount in excess of $500,000,000.

(b) INAPPLICABILITY TO CERTAIN CASES.—The limitation in subsection (a) shall not apply if a merger, acquisition, or takeover is not suspended or prohibited pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(c) DEFINITIONS.—In this section:

(1) The term "entity controlled by a foreign government" includes—

(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

(B) any individual acting on behalf of a foreign government,

as determined by the President.

(2) The term "proscribed category of information" means a category of information that—

(A) with respect to Department of Defense contracts—

(i) includes special access information;

(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

(B) with respect to Department of Energy contracts—

(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

SEC. 836. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO COMPANIES OWNED BY AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.

(a) IN GENERAL.—(1) Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b), is further amended by adding at the end the following new section:

"§2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.

"(a) IN GENERAL.—A Department of Defense contract or Department of Energy contract under a national security program may not be awarded to a company owned by an entity controlled by a foreign government if it is necessary for that company to be given access to information in a proscribed category of information in order to perform the contract.

"(b) WAIVER AUTHORITY.—The Secretary concerned may waive the application of subsection (a) to a contract award if the Secretary concerned determines that the waiver is essential to the national security interests of the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'entity controlled by a foreign government' includes—

"(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

"(B) any individual acting on behalf of a foreign government,

as determined by the Secretary concerned.

"(2) The term 'proscribed category of information' means a category of information that—

"(A) with respect to Department of Defense contracts—

"(i) includes special access information;

"(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

"(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

"(B) with respect to Department of Energy contracts—

"(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

"(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

"(3) The term 'Secretary concerned' means—

"(A) the Secretary of Defense, with respect to Department of Defense contracts; and

"(B) the Secretary of Energy, with respect to Department of Energy contracts.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.".

(b) EFFECTIVE DATE.—Section 2536 of title 10, United States Code, as added by subsection (a),

shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

SEC. 837. DEFENSE PRODUCTION ACT AMENDMENTS.

(a) INVESTIGATIONS OF CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY INVESTIGATIONS.—The President or the President's designee shall make an investigation, as described in subsection (a), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States. Such investigation shall—

"(1) commence not later than 30 days after receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(2) shall be completed not later than 45 days after its commencement.

(b) CONSIDERATIONS OF THE PRESIDENT.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a comma; and

(3) by adding at the end the following new paragraphs:

"(4) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(5) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.".

(c) REPORT.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended to read as follows:

"(g) REPORT TO THE CONGRESS.—The President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination of whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e) and the factors considered under subsection (f). Such report shall be consistent with the requirements of subsection (c) of this Act.".

(d) SENSE OF THE CONGRESS REGARDING THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—It is the sense of the Congress that the President should include in the membership of the Committee on Foreign Investment in the United States (established by Executive Order No. 11858)—

(1) the Director of the Office of Science and Technology Policy; and

(2) the Assistant to the President for National Security.

(e) TECHNOLOGY RISK ASSESSMENTS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is further amended by adding at the end the following new subsection:

"(j) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by a designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.".

SEC. 838. IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b) and amended by section 837, is further amended by adding at the end the following new section:

"§2537. Improved national defense control of technology diversions overseas

"(a) COLLECTION OF INFORMATION ON FOREIGN-CONTROLLED CONTRACTORS.—The Secretary of Defense and the Secretary of Energy shall each collect and maintain a data base containing a list of, and other pertinent information on, all contractors with the Department of Defense and the Department of Energy, respectively, which are controlled by foreign persons. The data base shall contain information on such contractors for 1988 and thereafter in all cases where they are awarded contracts exceeding $100,000 in any single year by the Department of Defense or the Department of Energy.

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall submit to the Congress, by March 31 of each year, beginning in 1994, a report containing a summary and analysis of the information collected under subsection (a) for the year covered by the report. The report shall include an analysis of accumulated foreign ownership of United States firms engaged in the development of defense critical technologies.

"(c) TECHNOLOGY RISK ASSESSMENT REQUIREMENT.—(1) If the Secretary of Defense is acting as a designee of the President under section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(a)) and if the Secretary determines that a proposed or pending merger, acquisition, or takeover may involve a firm engaged in the development of a defense critical technology or is otherwise important to the defense industrial and technology base, then the Secretary shall require the appropriate entity or entities from the list set forth in paragraph (2) to conduct an assessment of the risk of diversion of defense critical technology posed by such proposed or pending action.

"(2) The entities referred to in paragraph (1) are the following:

"(A) The Defense Intelligence Agency.

"(B) The Army Foreign Technology Science Center.

"(C) The Naval Maritime Intelligence Center.

"(D) The Air Force Foreign Aerospace Science and Technology Center.

"(d) DEFINITION.—In this section, the term 'defense critical technology' has the meaning provided that term by section 2491(8) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2537. Improved national defense control of technology diversions overseas.".

SEC. 839. LIMITATION ON SALE OF ASSETS OF CERTAIN DEFENSE CONTRACTOR.

(a) REQUIREMENT.—(1) The Secretary of Defense shall require that, in any contract entered into by the Department of Defense with the LTV Aerospace and Defense Company (hereinafter referred to as the 'contractor'), the terms of the contract shall include the requirements set forth in paragraph (2).

(2) A contract referred to in paragraph (1) shall prohibit the contractor (including any subsidiaries of the contractor) from selling, after April 1, 1992, all or any part of its operating assets to any other person or entity unless the person or entity agrees to assume, to the extent required under any collective bargaining agreement entered into by the contractor, all the liabilities of the contractor to all of the employees of the contractor who have retired. For purposes of this paragraph, such liabilities include all retirement health and life insurance and pension benefits payable (at the time of sale or any time after the sale) to, or for the benefit of, such retired employees, their spouses, and their dependents.

(b) APPLICABILITY.—The requirements of subsection (a) shall apply with respect to any contract entered into after April 1, 1992, and any contract in existence as of April 1, 1992, with the LTV Aerospace and Defense Company. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify contracts in existence as of April 1, 1992, and contracts entered into between April 1, 1992, and the date of the enactment of this Act, to reflect the requirements of this section.

(c) TRANSITION.—(1) If a person or entity (in this subsection referred to as the 'purchaser') purchases the LTV Aerospace and Defense Company during the period beginning on April 1, 1992, and ending 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify any transferred contracts to require the purchaser to assume all the liabilities of the LTV Aerospace and Defense Company to all of the employees of such company who have retired (including all the liabilities described in subsection (a)(2)).

(2) For purposes of paragraph (1), a transferred contract is a contract entered into by the purchaser and the Department of Defense which contains terms and obligations (A) which are similar to the terms and obligations of a previous contract between the LTV Aerospace and Defense Company and the Department of Defense, and (B) which the purchaser agreed to assume as part of the terms of the purchase of such company.

SEC. 840. ADVANCE NOTIFICATION OF CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES.

(a) NOTIFICATION REQUIRED.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new section:

"§2410g. Advance notification of contract performance outside the United States

"(a) NOTIFICATION.—(1) A firm that is performing a Department of Defense contract for an amount exceeding $10,000,000, or is submitting a bid or proposal for such a contract, shall notify the Department of Defense in advance of any intention of the firm or any first-tier subcontractor of the firm to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada.

"(2) If a firm submitting a bid or proposal for a Department of Defense contract is required to submit a notification under this subsection, and the firm is aware, at the time it submits its bid

or proposal, that the firm intends to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada, the firm shall include the notification in its bid or proposal.

"(3) The notification by a firm under paragraph (1) with respect to a first-tier subcontractor shall be made, to the maximum extent practicable, at least 30 days before award of the subcontract.

"(b) RECIPIENT OF NOTIFICATION.—The firm shall transmit the notification—

"(1) in the case of a contract of a military department, to such officer or employee of that military department as the Secretary of the military department may direct; and

"(2) in the case of any other Department of Defense contract, to such officer or employee of the Department of Defense as the Secretary of Defense may direct.

"(c) AVAILABILITY OF NOTIFICATIONS.—The Secretary of Defense shall ensure that the notifications (or copies) are maintained in compiled form for a period of 5 years after the date of submission and are available for use in the preparation of the national defense technology and industrial base assessment carried out under section 2505 of this title.

"(d) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section shall not apply to contracts for any of the following:

"(1) Commercial items.

"(2) Military construction.

"(3) Ores.

"(4) Natural gas.

"(5) Utilities.

"(6) Petroleum products and crudes.

"(7) Timber.

"(8) Subsistence.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new item:

"2410g. Advance notification of contract performance outside the United States.".

(b) EFFECTIVE DATE.—Section 2410g of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act.

SEC. 841. ACQUISITION FELLOWSHIP PROGRAM.

(a) FELLOWSHIP PROGRAM.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new section:

"§2410h. Acquisition fellowship program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

"(b) NUMBER OF FELLOWSHIPS.—The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

"(c) ELIGIBILITY.—In order to be eligible for designation as an acquisition fellow, an employee—

"(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

"(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

"(d) TWO-YEAR PERIOD OF RESEARCH AND TEACHING.—Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new item:

"2410h. Acquisition fellowship program.".

SEC. 842. PURCHASE OF ANGOLAN PETROLEUM PRODUCTS.

The prohibition in section 316 of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3855; 10 U.S.C. 2304 note) shall cease to be effective on the date on which the President certifies to Congress that free, fair, and democratic elections have taken place in Angola.

SEC. 843. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS UNDER INTERNATIONAL ARMAMENTS COOPERATION PROGRAMS.

(a) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—Section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) is amended in the second sentence by striking out "and administrative costs" and inserting in lieu thereof "costs, administrative costs, and costs of claims".

(b) AMENDMENTS TO TITLE 10.—(1) Section 2350a(c) of title 10, United States Code, is amended by inserting "(including the costs of claims)" after "project" the second place it appears.

(2) Section 2350d(c) of such title is amended by inserting "and costs of claims" after "administrative costs".

(c) TERMINATION.—On the date which is two years after the date of the enactment of this Act, subsections (a) and (b) shall cease to be in effect, and section 27(c) of the Arms Export Control Act and section 2350a of title 10, United States Code, shall read as if such subsections had not been enacted.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Roles and Missions

SEC. 901. REPORT OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) REPORT.—(1) The Secretary of Defense shall transmit to Congress a copy of the first report relating to the roles and missions of the Armed Forces that is submitted to the Secretary by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, after January 1, 1992.

(2) The Secretary shall transmit the report, together with his views on the report, within 30 days after receiving the report.

(b) ADDITIONAL MATTERS.—In addition to the matters required under such section 153(b), the Chairman shall include in the report referred to in subsection (a) the Chairman's comments and recommendations regarding the following matters:

(1) Reassessing the roles and missions assigned to each of the Armed Forces (under the Key West agreement of 1947 and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.

(2) The extent to which the efficiency of the Armed Forces in carrying out their roles and missions can be enhanced by—

(A) the elimination or reduction of duplication in the capabilities of the military departments and Defense Agencies without an undue diminution in their effectiveness; and

(B) the consolidation or streamlining of organizations and activities within the military departments and Defense Agencies.

(3) Changes in the operational tempo of forces stationed in the continental United States and changes in deployment patterns and operational tempo of forces deployed outside the United States.

(4) Changes in the readiness status of units based upon time-phased force deployment plans.

(5) Transfers of functions from the active components of the Armed Forces to the reserve components of the Armed Forces.

SEC. 902. TACTICAL AIRCRAFT MODERNIZATION PROGRAMS.

(a) FUNDING LIMITATION PENDING CERTAIN ACTIONS.—Of the total amount appropriated pursuant to an authorization of appropriations in section 201 that is made available for tactical aircraft programs specified in subsection (b), not more than 65 percent may be obligated for those programs (allocated among those programs in such manner as the Secretary of Defense determines) until 60 days after the date as of which each of the following has occurred:

(1) The Secretary of Defense has transmitted to Congress the report referred to in section 901 in accordance with that section.

(2) The Secretary of Defense has submitted to the congressional defense committees the report described in subsection (c) setting forth a comprehensive affordability assessment of Department of Defense tactical aircraft programs.

(3) The Secretary of Defense has submitted to the congressional defense committees the technical assessments of the Defense Science Board that are specified in subsection (d).

(4) The Secretary of Defense has established a revised acquisition plan for the A-X medium attack aircraft program of the Navy as described in section 214.

(b) APPLICABILITY.—Subsection (a) applies to the following tactical aircraft programs:

(1) The F-22 Advanced Tactical Fighter (ATF) program of the Air Force.

(2) The FA-18E/F fighter program of the Navy.

(3) The A-X medium attack aircraft program of the Navy.

(c) COMPREHENSIVE AFFORDABILITY ASSESSMENT.—(1) The report under subsection (a)(2) shall contain a comprehensive affordability assessment of the long-range modernization plans of the Department of Defense for tactical aircraft programs. The assessment shall be prepared in light of the roles and missions report referred to in subsection (a)(1) and any other analysis of Department of Defense tactical aircraft requirements that the Secretary considers relevant.

(2) The tactical aircraft modernization plans to be considered in the assessment shall include—

(A) continued procurement of current aircraft;

(B) upgrades to current aircraft; and

(C) procurement of new design aircraft such as the FA-18E/F, the A-X, the EA-X, and the F-22 aircraft.

(3) The assessment shall include an examination of the shares of their respective annual budgets that the Air Force and the Navy have historically devoted to tactical aviation modernization programs and the effect of currently planned tactical aircraft modernization programs on those historical budget shares.

(4) As part of the assessment, the Secretary shall postulate the force structure for tactical aviation over the next 20 years and shall indicate the most cost effective modernization plans for that force structure.

(5) As part of the assessment, the Secretary shall evaluate for each of the aircraft programs specified in subsection (b) alternative manufacturing methods that would produce the aircraft efficiently in a reduced quantity and at a significantly lower annual rate than the quantity and rate currently projected by the Department for the aircraft. Such analysis shall show the effect of lower production rates on unit costs at 25 percent, 50 percent, and 100 percent of the currently projected maximum annual rates of production.

(6) In preparing the assessment, the Secretary shall receive and consider the views of the Cost Analysis Improvement Group in the Office of the Secretary of Defense on the tactical aviation programs covered by the assessment.

(d) DSB TECHNICAL ASSESSMENT.—The technical assessments to be undertaken by the Defense Science Board for purposes of subsection (a)(3) are the following:

(1) An assessment of the ways that current aircraft, upgrades to current aircraft, and new design aircraft can be modified or otherwise adapted so that a single aircraft type can be used by both the Air Force and the Navy in parallel missions.

(2) An assessment of the technical risks associated with the three tactical aircraft specified in subsection (b).

SEC. 903. SENSE OF CONGRESS ON COOPERATION BETWEEN THE ARMY AND THE MARINE CORPS.

(a) FINDINGS.—With respect to the roles and missions of the Army and Marine Corps, the Congress makes the following findings:

(1) The Army and the Marine Corps both provide military capabilities that are necessary for carrying out the national military strategy of the United States.

(2) Operation Desert Shield and Operation Desert Storm demonstrated the complementary nature of those capabilities and the substantial degree to which the Army and the Marine Corps can effectively coordinate their activities and cooperate with each other.

(3) The availability of future Federal budget resources for the Army and the Marine Corps is likely to be significantly more limited than the Federal budget resources currently available for the Army and the Marine Corps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army and the Marine Corps should intensify efforts—

(1) to eliminate unnecessary duplication; and

(2) to improve interservice coordination and to specialize in specific functional areas.

(c) EXAMINATION BY CJCS.—(1) The Congress encourages the Chairman of the Joint Chiefs of Staff to examine whether—

(A) the Army should provide the Marine Corps with armor and heavy fire support needed for mid-intensity and high-intensity combat; or

(B) the Marine Corps should be equipped with the armor, heavy artillery, and other weapons and sustainability needed to engage in mid-intensity and high-intensity combat independent of the other military services.

(2) In conducting the examination, the Chairman should consider the following actions:

(A) Designating Army artillery battalions equipped with the Multiple Launch Rocket System to support Marine amphibious forces afloat.

(B) Designating Army tank battalions to support Marine amphibious forces afloat.

(C) Equipping maritime prepositioning ships with Multiple Launch Rocket System (MLRS) launchers and M1 tanks to be manned by Army units in support of Marine forces.

(D) Transferring management of all prepositioning shipping on behalf of all of the Armed Forces to the Marine Corps.

(E) Transferring Army shipping and lighterage to the Navy.

(3) In the consideration of the actions referred to in paragraph (2), the Chairman should evaluate the logistics, training, and operational implications of each action.

(4) If the Chairman recommends that the Marine Corps be equipped with the armor, heavy artillery, other weapons, and sustainability necessary for engaging in mid-intensity and high-intensity combat independent of the other services, the Chairman should determine, as part of the examination under this paragraph, the following:

(A) What additional procurement requirements and costs are necessary to equip the Marine Corps to meet the demands of mid-intensity and high-intensity combat.

(B) The adequacy of current prepositioning programs, mine warfare capability, naval fire support, and night fighting capability to meet the demands of mid-intensity and high-intensity combat.

(d) ROLES AND MISSIONS AUTHORITY OF CHAIRMAN.—The Chairman should consider the findings and sense of Congress set forth in subsections (a) and (b), and the matters set forth in subsection (c), including the options for streamlining the roles and missions of the Army and the Marine Corps, in the performance of the Chairman's responsibilities under section 153(b) of title 10, United States Code.

SEC. 904. NATIONAL GUARD AND RESERVE COMPONENT OPERATIONAL SUPPORT AIRLIFT STUDY.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 106, not more than $90,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (b) is transmitted to the congressional defense committees.

(b) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by the National Guard and the reserve components.

(c) STUDY REQUIREMENTS.—The study required by subsection (b) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft that are operated by the reserve components.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the fiscal year 1994 future-years defense program to be purchased for the reserve components or to be transferred from the active components to the reserve components.

(7) The funds programmed in the fiscal year 1994 future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(d) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

Subtitle B—Joint Chiefs of Staff

SEC. 911. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION AS A MEMBER OF THE JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Vice Chairman.".

(b) CONFORMING AMENDMENTS.—(1) Section 154 of such title is amended—

(A) in subsection (c), by striking out "such" and inserting in lieu thereof "the duties prescribed for him as a member of the Joint Chiefs of Staff and such other";

(B) by striking out subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(2) Section 155(a)(1) of such title is amended by striking out "and the Vice Chairman."

Subtitle C—Professional Military Education

SEC. 921. APPLICATION OF DEFINITION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

Section 912(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1452) is amended by striking out "October 1, 1993" and inserting in lieu thereof "January 1, 1994".

SEC. 922. PLAN REGARDING PROFESSIONAL MILITARY EDUCATION TEST PROGRAM FOR RESERVE COMPONENT OFFICERS OF THE ARMY.

(a) PLAN FOR TEST PROGRAM REQUIRED.—The Secretary of the Army shall prepare a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army by assigning or attaching such officers to an Army Reserve Forces school in an inactive duty status for the purpose of attending professional military education courses offered by the school.

(b) NATURE OF EDUCATION.—The professional military education courses offered as part of such a test program should correspond to the courses offered at the Army Combined Arms and Services Staff School and the United States Army Command and General Staff College.

(c) REPORT ON PLAN.—Not later than March 31, 1993, the Secretary of the Army shall submit to Congress a report that—

(1) describes the most effective approach, as determined by the Secretary, for carrying out the test program outlined in the plan required under subsection (a);

(2) describes the method by which reserve component officers of the Army would be selected to participate in the test program;

(3) identifies any legislation that would be required to implement the test program, such as the authorization of funds for the test program or the compensation of reserve component officers of the Army under section 206 of title 37, United States Code, who are selected to participate in the test program; and

(4) indicates how the test program would be evaluated to determine the effect of the program on units of the Selected Reserve, the management of duty assignments in the Selected Reserve, and the capabilities of the Army Reserve Forces schools.

(d) RESERVE COMPONENT OFFICER OF THE ARMY DEFINED.—For purposes of this section, the term "reserve component officer of the Army" means an officer of the Army National Guard of the United States or the Army Reserve who is assigned to a unit of the Selected Reserve and is unable to attend professional military education courses while in the active service.

SEC. 923. FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AUTHORIZED.—(1) Section 1595 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "and the Foreign Language Center of the Defense Language Institute" after "National Defense University"; and

(B) in subsection (c), by striking out "This section" and inserting in lieu thereof "In the case of the National Defense University, this section".

(2)(A) The heading of such section is amended to read as follows:

"§1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members".

(B) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members.".

(b) EFFECT ON CURRENT EMPLOYEES.—In the case of a person who, on the day before the date of the enactment of this Act, is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 931. CERTIFICATIONS RELATING TO THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND THE SPECIAL OPERATIONS COMMAND.

(a) CERTIFICATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall (except as otherwise provided under subsection (b)) certify to Congress the following:

(1) That the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the commander of the special operations command established pursuant to section 167 of title 10, United States Code, have been assigned the duties and functions specified for the Assistant Secretary and that commander, respectively, under law, the Unified Command Plan, and Department of Defense Directive No. 5138.3 (dated January 4, 1988).

(2) That the Assistant Secretary and the special operations command have been authorized the number of personnel necessary for the Assistant Secretary and the commander of the special operations command to perform such respective duties and functions.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subsection (a) within the 120-day period provided in that subsection, the Secretary shall submit to Congress a report notifying the committees that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the expiration of that period.

SEC. 932. STUDY OF JOINT DUTY ASSIGNMENTS.

(a) STUDY.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall conduct a study of military officer positions that are designated as joint duty assignments pursuant to section 661 of title 10, United States Code, and other provisions of law. In carrying out the study, the Secretary shall—

(1) assess the appropriateness of the current allocation of joint assignments and critical joint duty assignments, with such assessment—

(A) to place particular emphasis on the allocations of joint duty positions to each Defense Agency; and

(B) to determine any changes in regulations that are necessary to ensure that the joint duty assignment process provides appropriate crediting as service in joint duty assignments in the case of officers assigned to Defense Agencies in positions that provide them with significant experience in joint matters;

(2) assess whether officers who have the joint specialty under chapter 38 of title 10, United States Code, are being assigned to appropriate joint duty positions; and

(3) survey positions that provide military officers with significant experience in joint matters but are now excluded from the joint duty designation under section 661 of such title or other provisions of law.

(b) ADJUSTMENTS IN LIGHT OF STUDY.—Following completion of the study required by subsection (a), the Secretary shall direct the heads of the military departments, Defense Agencies, and other components of the Department of Defense to make adjustments in joint duty assignments as necessary to comport with the conclusions of the assessments required by paragraphs (1) and (2) of such subsection.

(c) REPORT.—Not later than April 15, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the study required by subsection (a) and a plan to implement its findings; and

(2) any recommendations for legislative changes that the Secretary proposes in order to provide the Secretary with authority to grant a waiver, in the case of an assignment that is determined to provide an officer with significant experience in joint matters, to the exclusion by law of consideration as a joint duty assignment of any assignment within an officer's own military department.

SEC. 933. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer who has completed service described in paragraph (2) credit for having completed a full tour of duty in a joint duty assignment, or credit countable for determining cumulative service in joint duty assignments, for the purposes of chapter 38 of title 10, United States Code, notwithstanding the length of such service or whether that service is within the definition of "joint duty assignment" in section 668 of title 10, United States Code.

(2) Service referred to in paragraph (1) is service performed by an officer, any portion of which took place during the period beginning on August 2, 1990, and ending on February 28, 1991, in an assignment in the Persian Gulf combat zone that (as determined by the Secretary of Defense) provided significant experience in joint matters.

(3) The Secretary, after consultation with the Chairman of the Joint Chiefs of Staff, may give credit for service in a joint duty assignment under paragraph (1) in the case of an officer recommended for such credit by the Chief of Staff of the Army (for officers in the Army), the Chief of Naval Operations (for officers in the Navy), the Chief of Staff of the Air Force (for officers in the Air Force), and the Commandant of the Marine Corps (for officers in the Marine Corps). Any such credit shall be granted by the Secretary on a case-by-case basis.

(4) The Secretary of Defense shall establish uniform criteria for defining the standards to be used in determining whether to give an officer credit for service in a joint duty assignment under paragraph (1). Such criteria shall be consistent with the congressional declarations of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401) and section 3 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 111 note). The criteria shall include standards to be used in determining whether to give an officer credit for completion of a full tour of duty, or credit countable for determining cumulative service, in a joint duty assignment. Such criteria may not result in the extension of eligibility for joint duty credit under this section to all officers in a specified category of officers that exists other than for reasons of this section.

(b) INAPPLICABILITY OF CERTAIN REPORTING AND POLICY REQUIREMENTS.—(1) Officers for whom joint duty credit is granted pursuant to subsection (a) shall not be counted for the purposes of paragraphs (7), (8), (9), (11), or (12) of section 667 of title 10, United States Code, and subsections (a)(3) and (b) of section 662 of such title.

(2) In the case of an officer for whom credit for completion of a full tour of duty in a joint duty assignment is granted pursuant to subsection (a), the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of title 10, United States Code, that, for purposes of nomination to the joint specialty under chapter 38 of such title, a full tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section.

(c) INFORMATION TO BE INCLUDED IN NEXT ANNUAL REPORT.—The joint specialty report of the Secretary of Defense under section 667 of title 10, United States Code for fiscal year 1993 shall include the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

(1) The number of officers granted credit for a joint duty assignment pursuant to subsection (a).

(2) Of such officers, the number granted credit for a full tour of duty in a joint duty assignment pursuant to subsection (a) and the number granted credit for a joint duty assignment that is not treated as a full tour of duty.

(3) Of the officers granted credit for a joint duty assignment pursuant to subsection (a), the number in each grade and each occupational specialty.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "joint matters" has the meaning given such term in section 668(a) of title 10, United States Code.

(2) The term "Persian Gulf combat zone" means the area designated by the President as the combat zone for Operation Desert Shield, Operation Desert Storm, and related operations for purposes of section 112 of the Internal Revenue Code of 1986.

(3) The term "joint specialty report" means that part of the annual report of the Secretary of Defense submitted to Congress under section 113(c) of title 10, United States Code, that is included in such report pursuant to section 667 of title 10, United States Code.

(e) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under this section expires at the end of the six-month period beginnning on the date of the enactment of this Act.

SEC. 934. CINC INITIATIVE FUND.

(a) AUTHORIZED RECIPIENTS OF FUNDS.—Subsection (a) of section 166a of title 10, United States Code, is amended in the first sentence by striking out "funds, upon request," and all that

follows through the period and inserting in lieu thereof "funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.".

(b) AUTHORIZED ACTIVITIES.—Subsection (b)(7) of such section is amended by inserting "(including transportation, translation, and administrative expenses)" before the period at the end.

(c) PRIORITY.—Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to—

"(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

"(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.".

(d) LIMITATIONS.—Subsection (e)(1)(C) of such section is amended to read as follows:

"(C) not more than $2,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).".

SEC. 935. ORGANIZATION OF THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

(a) CONSOLIDATION OF NAVY HEADQUARTERS MANAGEMENT STRUCTURE.—The Secretary of the Navy shall consolidate and streamline the Navy headquarters establishments within the Office of the Chief of Naval Operations to reflect changes in the roles and missions of the Department of the Navy.

(b) DIRECTORATE FOR EXPEDITIONARY WARFARE WITHIN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.—(1) Chapter 505 of title 10, United States Code, is amended by inserting after section 5037 the following new section:

"§5038. Director for Expeditionary Warfare

"(a) One of the Directors within the Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments shall be the Director for Expeditionary Warfare who shall be detailed from officers on the active-duty list of the Marine Corps.

"(b) An officer assigned to the position of Director for Expeditionary Warfare, while so serving, has the grade of major general.

"(c) The principal duty of the Director for Expeditionary Warfare shall be to supervise the performance of all staff responsibilities of the Chief of Naval Operations regarding expeditionary warfare, including responsibilities regarding amphibious lift, mine warfare, naval fire support, and other missions essential to supporting expeditionary warfare.

"(d) The Chief of Naval Operations shall transfer duties, responsibilities, and staff from other personnel within the Office of the Chief of Naval Operations as necessary to fully support the Director for Expeditionary Warfare.

"(e) This subsection shall cease to apply on November 1, 1997.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"5038. Director for Expeditionary Warfare.".

SEC. 936. GRADE OF CERTAIN COMMANDERS OF SPECIAL OPERATIONS FORCES.

(a) GRADE FOR CERTAIN REGIONAL SOF COMMANDERS.—During the period beginning on February 1, 1993, and ending on February 1, 1995, the provisions of section 1311(e) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 167 note) shall apply as if the Secretary of Defense had designated the United States Southern Command and the United States Central Command for the purposes of that section.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report setting forth the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command, particularly as to whether each such commander should be of general or flag officer grade.

(c) REPEAL OF DUPLICATIVE PROVISIONS.—Subsections (c), (d), and (e) of section 9115 of the Department of Defense Appropriations Act, 1987 (as enacted in identical form in sections 101(c) of Public Law 99-500 and Public Law 99-591), are repealed.

SEC. 937. REPORT ON ASSIGNMENT OF SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than February 1, 1993, the Secretary of Defense shall submit to Congress a report describing the implementation of the requirement contained in section 167(b) of title 10, United States Code, that all active and reserve special operations forces of the Armed Forces stationed in the United States be assigned to the Special Operations Command unless otherwise directed by the Secretary.

(b) COMMAND AND CONTROL RESPONSIBILITIES.—The report required by subsection (a) shall delineate the respective responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components regarding the peacetime command and control of reserve component special operations forces.

(c) OTHER MATTERS TO BE INCLUDED.—The report shall also specifically address the following matters:

(1) Establishment of training and readiness standards.

(2) Military and civilian personnel management.

(3) Programming and budget execution functions.

(4) Conduct of operational training.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1993 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. DEFENSE BUDGETING.

(a) MISSION-ORIENTED BUDGETING.—Chapter 9 of title 10, United States Code, is amended—

(1) by redesignating section 221 as section 226; and

(2) by inserting after the table of sections the following new section:

"§222. Future-years mission budget

"(a) FUTURE-YEARS MISSION BUDGET.—The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year at the same time that the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.

"(b) CONSISTENCY WITH FUTURE-YEARS DEFENSE PROGRAM.—The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of major roles, missions, or forces of the Department of Defense.

"(c) RELATIONSHIP TO OTHER DEFENSE BUDGET FORMATS.—The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year.".

(b) CONFORMING REPEAL.—Section 1404 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1675; 10 U.S.C. 114a note) is repealed.

(c) TRANSFER.—(1) Section 114a of title 10, United States Code, is transferred to chapter 9 of title 10, United States Code, redesignated as section 221, inserted after the table of sections, and amended by striking out "multiyear" each place it appears in the text and inserting in lieu thereof "future-years".

(2) The heading of such section is amended to read as follows:

"§221. Future-years defense program: submission to Congress; consistency in budgeting".

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking out the item relating to section 114a.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"221. Future-years defense program: submission to Congress; consistency in budgeting.
"222. Future-years mission budget.
"226. Scoring of outlays.".

SEC. 1003. TREATMENT OF CERTAIN "M" ACCOUNT OBLIGATIONS.

(a) LIMITATION.—The Secretary of Defense may not reobligate any sum in a merged (or so-called "M") account of the Department of Defense until the Secretary has identified an equal sum under section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) that can be canceled.

(b) REQUIREMENT FOR RECIPROCAL CANCELLATION.—Whenever the Secretary of Defense reobligates funds from a merged (or so-called "M") account of the Department of Defense, the Secretary shall at the same time cancel with the Treasury of the United States a sum in the same amount as the reobligation from a merged account of the Department of Defense.

(c) MONTHLY REPORTS.—The Secretary of Defense shall submit to the congressional defense

committees a monthly report, for each month beginning after the date of the enactment of this Act through September 1993, on the amount of funds reobligated during the month from merged accounts of the Department of Defense and the amount of funds canceled during the month from such accounts. Each report shall be submitted not later than the 21st day of the month after the month covered by the report.

(d) NOTICE-AND-WAIT.—(1) Whenever the Secretary of Defense proposes to reobligate from a merged (or so-called "M") account of the Department of Defense any sum in an amount greater than $10,000,000, the reobligation may not be made until—

(A) the Secretary notifies Congress of the amount to be reobligated, the source of the funds to be reobligated, and the purpose the funds will be reobligated for; and

(B) a period of 30 days passes after the notice is received.

(2) The limitation in paragraph (1) applies to reobligations for a single purpose in a sum greater than the amount specified in that paragraph. Such a reobligation may not be divided into several smaller sums to avoid such limitation.

(e) DURATION OF LIMITATIONS.—Subsections (a) and (b) shall cease to apply when all audits and cancellations of balances required by section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) have been completed.

SEC. 1004. ADDITIONAL TRANSITION AUTHORITY REGARDING CLOSING APPROPRIATION ACCOUNTS.

Section 1405(b) of the National Defense Authorization Act for Fiscal Year 1991 (31 U.S.C. 1551 note) is amended by adding at the end the following new paragraph:

"(8) OBLIGATIONS AND ADJUSTMENTS OF OBLIGATIONS FOR EXPIRED BUT NOT CLOSED ACCOUNTS.—(A) Subject to subparagraphs (B), (C), and (D), in the case of an appropriation account for a fiscal year before fiscal year 1992 for which the period of availability for obligation has expired but which has not been closed under the provisions of section 1552(a) of title 31, United States Code, or paragraph (4) of this section, an obligation and an adjustment of an obligation may be charged to any current appropriation account of the Department of Defense that is available for the same purpose as the expired account if—

"(i) the obligation would have been properly chargeable (except as to amount) to the expired account before the end of the period of availability of that account; and

"(ii) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense.

"(B) The total amount charged to a current appropriation account under subparagraph (A) may not exceed an amount equal to the lesser of—

"(i) one percent of the total amount of the appropriations for that account; or

"(ii) one percent of the total amount of the appropriations for the expired account.

"(C) No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are notified of the intent to make such a charge and a period of 30 days elapses after the notification is submitted.

"(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense (except as otherwise provided in subparagraph (E)) certifies to Congress the following:

"(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code, are being observed within the Department of Defense.

"(ii) That reports on any violations of such section 1341, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code.

"(E) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subparagraph (D) within 60 days after the date of the enactment of this subparagraph, the Secretary shall submit to the Congress a report stating that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the end of that period.".

SEC. 1005. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

SEC. 1006. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 5006 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

Subtitle B—Naval Vessels and Related Matters

SEC. 1011. EAST COAST HOMEPORT FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) FINDINGS.—Congress finds that—

(1) Mayport, Florida, has served well as a homeport for aircraft carriers;

(2) under existing carrier force structure plans, as conventionally fueled aircraft carriers are replaced by nuclear-powered aircraft carriers, there will be a requirement for a second East Coast homeport for nuclear-powered aircraft carriers (in addition to the existing homeport of Norfolk, Virginia); and

(3) Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such additional homeport becomes needed.

(b) DEVELOPMENT OF SECOND HOMEPORT.—Not later than April 1, 1993, the Secretary of the Navy shall submit to the congressional defense committees a report on the Navy's plan for developing a second East Coast homeport for nuclear-powered aircraft carriers. The report shall include a schedule, by fiscal year, for funding the development of a second homeport for nuclear-powered aircraft carriers on the East Coast of the United States. The schedule shall be consistent with the Navy's plan to retire conventionally fueled aircraft carriers and to deploy nuclear-powered aircraft carriers.

SEC. 1012. LIMITATION ON OVERSEAS SHIP REPAIRS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 1013. NAVY MINE COUNTERMEASURE PROGRAM.

(a) EVALUATION.—(1) Not later than December 15, 1992, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on actions and plans of the Navy for consolidation and centralization of control over forces assigned to the mine countermeasure mission. The report shall evaluate all facets of the mine countermeasure mission, including—

(A) proposed location of vessels, helicopters, and explosive ordinance detachment units;

(B) proposed command structure;

(C) proposed training policies; and

(D) proposed vessel procurement policies.

(2) The Comptroller General shall evaluate the report submitted under paragraph (1) and, not later than 30 days after the date of the submittal of the report, submit to the congressional defense committees an evaluation of the report.

(b) EVALUATION OF HOMEPORTS FOR MINE COUNTERMEASURE PROGRAM.—The report under subsection (a)(1) shall include a detailed evaluation and analysis of the use of Ingleside, Texas, as the planned homeport for all mine warfare ships, and a comparison of various alternative homeports for mine warfare ships (including an evaluation of the use of bases on the Atlantic Coast and the Pacific Coast as homeports for such ships).

(c) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT.—The Secretary of the Navy may not take any action to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadron until 60 days after the later of—

(1) the date of the submittal of the report required under subsection (a)(1); or

(2) February 15, 1993.

SEC. 1014. TRANSFER OF CERTAIN VESSELS.

(a) TRANSFERS OF VESSELS TO BE USED AS TRAINING VESSELS.—The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy:

(1) The U.S.N.S. Chauvenet (T-AG-29).

(2) The U.S.N.S. Harkness (T-AG-32).

(b) TRANSFER OF VESSEL FOR EDUCATION AND ENVIRONENTAL PURPOSES.—(1) Notwithstanding subsection (c) of section 7308 of title 10, United States Code, but subject to subsections (a) and (b) of that section, the Secretary of the Navy or the Secretary of Transportation (depending on which Secretary has jurisdiction over the vessel) may transfer the obsolete vessel Wahkiakum County (LST 1162) to the organization known as Ships for Youth and the Environment, a nonprofit corporation operating under the laws of the State of California, to be used for education and environmental purposes.

(2) The Secretary making the transfer under paragraph (1) may require such terms and conditions in connection with the transfer as the Secretary considers appropriate.

SEC. 1015. REPORT ON COMPLIANCE WITH DOMESTIC SHIP REPAIR LAW.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report describing the practice of the Department of the Navy in complying with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards. The Secretary shall include in such report sufficient data to demonstrate the degree of compliance or noncompliance of the Department of the Navy with that section.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 1016. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF COMBATANT AND ESCORT VESSELS IN NAVY YARDS.

(a) REPEAL.—Subsection (a) of section 7299a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENTS.—(1) Subsections (b), (c), and (d) of section 7299a of title 10, United States Code, are redesignated as subsections (a), (b), and (c), respectively.

(2) Paragraph (2) of subsection (c) of such section, as so redesignated, is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

Subtitle C—Fast Sealift Program

SEC. 1021. PROCUREMENT OF SHIPS FOR THE FAST SEALIFT PROGRAM.

(a) ACQUISITION AND CONVERSION OF U.S. BUILT VESSELS.—Notwithstanding any other provision of law, the Secretary of the Navy may use funds available for the Fast Sealift Program—

(1) to acquire vessels for the program from among available vessels built in United States shipyards; and

(2) to convert in United States shipyards vessels built in United States shipyards.

(b) ACQUISITION OF FIVE FOREIGN-BUILT VESSELS.—Notwithstanding any other provision of law, funds available for the Fast Sealift Program may be used for the acquisition of five vessels built in foreign shipyards and for conversion of those vessels in United States shipyards if the Secretary of the Navy determines that acquisition of those vessels is necessary to expedite the availability of vessels for sealift.

SEC. 1022. MODIFICATION OF FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101-510 (104 Stat. 1683), as amended by section 1015 of Public Law 102-190 (105 Stat. 1458), is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) The vessels constructed under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

"(5) The vessels constructed under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

"(A) are manufactured in the United States; and

"(B) have more than half of their value, in terms of cost, added in the United States.

"(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

"(A) the system or equipment is not available; or

"(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.".

SEC. 1023. REPORT ON OBLIGATIONS FOR STRATEGIC SEALIFT.

(a) REPORT.—The Secretary of Defense shall submit to the Congress a report on the specific purposes for which the Secretary intends to obligate during fiscal year 1993 the funds available for the procurement of strategic sealift. The information in the report shall be presented by program, project, and activity.

(b) LIMITATION.—Funds appropriated to the Navy for procurement for shipbuilding and conversion and available for strategic sealift may not be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 1024. NATIONAL DEFENSE SEALIFT FUND.

(a) ESTABLISHMENT AND USE OF FUND.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2218. National Defense Sealift Fund

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Defense Sealift Fund'.

"(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

"(c) FUND PURPOSES.—(1) Funds in the National Defense Sealift Fund shall be available for obligation and expenditure only for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels;

"(B) operation, maintenance, and lease or charter of Department of Defense vessels for national defense purposes;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(D) research and development relating to national defense sealift.

"(2) Funds in the National Defense Sealift Fund may be obligated or expended only for programs, projects, and activities and only in amounts authorized in, or otherwise permitted under, an Act other than an appropriations Act.

"(3) Funds obligated and expended for a purpose set forth in subparagraph (B) or (D) of paragraph (1) may be derived only from funds deposited in the National Defense Sealift Fund pursuant to subsection (d)(1).

"(d) DEPOSITS.—There shall be deposited in the Fund the following:

"(1) All funds appropriated to the Department of Defense for fiscal years after fiscal year 1993 for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(B) operations, maintenance, and lease or charter of national defense sealift vessels;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels; and

"(D) research and development relating to national defense sealift.

"(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 508 and 510 of the Merchant Marine Act of 1936 (46 U.S.C. App. 1158, 1160), shall be deposited in the Fund.

"(3) All receipts from the charter of vessels under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note).

"(e) ACCEPTANCE OF SUPPORT.—(1) The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money, personal property (excluding vessels), or assistance in kind for support of the sealift functions of the Department of Defense.

"(2) Any contribution of property accepted under paragraph (1) may be retained and used by the Department of Defense or disposed of in accordance with procedures prescribed by the Secretary of Defense.

"(3) The Secretary of Defense shall deposit in the Fund money and receipts from the disposition of any property accepted under paragraph (1).

"(f) LIMITATIONS.—(1) Not more than a total of five vessels built in foreign ship yards may be purchased with funds in the National Defense Sealift Fund pursuant to subsection (c)(1).

"(2) Construction, alteration, or conversion of vessels with funds in the National Defense Sealift Fund pursuant to subsection (c)(1) shall be conducted in United States ship yards and shall be subject to section 1424(b) of Public Law 101-510 (104 Stat. 1683).

"(g) EXPIRATION OF FUNDS AFTER 5 YEARS.—No part of an appropriation that is deposited in the National Defense Sealift Fund pursuant to subsection (d)(1) shall remain available for obligation more than five years after the end of fiscal year for which appropriated except to the extent specifically provided by law.

"(h) BUDGET REQUESTS.—Budget requests submitted to Congress for the National Defense Sealift Fund shall separately identify—

"(1) the amount requested for programs, projects, and activities for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(2) the amount requested for programs, projects, and activities for operation, maintenance, and lease or charter of national defense sealift vessels;

"(3) the amount requested for programs, projects, and activities for installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(4) the amount requested for programs, projects, and activities for research and development relating to national defense sealift.

"(i) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this section shall be construed to affect or modify title to, management of, or funding responsibilities for, any vessel of the National Defense Reserve Fleet, or assigned to the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

"(j) AUTHORITY FOR CERTAIN USE OF FUNDS.—Upon a determination by the Secretary of Defense that such action serves the national defense interest and after consultation with the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives, the Secretary may use funds available for obligation or expenditure for a purpose specified under subsection (c)(1)(A), (B), (C), and (D) for any purpose under subsection (c)(1).

"(k) DEFINITIONS.—In this section:

"(1) The term 'Fund' means the National Defense Sealift Fund established by subsection (a).

"(2) The term 'Department of Defense sealift vessel' means any ship owned, operated, controlled, or chartered by the Department of Defense that is—

"(A) a fast sealift ship, including any vessel in the Fast Sealift Program established under section 1424 of Public Law 101-510 (104 Stat. 1683);

"(B) a maritime prepositioning ship;

"(C) an afloat prepositioning ship;

"(D) an aviation maintenance support ship; or

"(E) a hospital ship.

"(3) The term 'national defense sealift vessel' means—

"(A) a Department of Defense sealift vessel; and

"(B) a national defense reserve fleet vessel, including a vessel in the Ready Reserve Force maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2218. National Defense Sealift Fund.".

(b) TRANSFER AUTHORITY.—(1) Subject to paragraph (2), and to the extent provided in appropriations Acts, the Secretary of Defense may transfer to the National Defense Sealift Fund for construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels not to exceed $1,875,100,000 from unobligated balances of appropriations made to the Navy for fiscal years 1990, 1991, and 1992 for shipbuilding and conversion, Navy, for sealift.

(2) Funds transferred to the National Defense Sealift Fund pursuant to paragraph (1) shall remain available for the same period for which the transferred funds were originally appropriated.

(c) AUTHORIZATION FOR FISCAL YEAR 1993.—There is authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1993 $613,200,000 for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels or for installation and maintenance of defense features necessary for the national defense for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States.

(d) FISCAL YEAR 1993 LIMITATION.—Not more than $10,000,000 in the National Defense Sealift Fund may be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits to Congress a report on the specific purposes for which funds made available from such Fund during fiscal year 1993 are to be used. The information in the report shall be stated by program, project, and activity.

Subtitle D—Defense Maritime Logistical Readiness

SEC. 1031. REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense shall require that all sealift ships built under the fast sealift program established in section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1683) shall be constructed and designed to commercial specifications.

(b) INTERAGENCY WORKING GROUP TO FORMULATE A PROGRAM TO PRESERVE SHIPYARD INDUSTRIAL BASE.—(1) Not later than March 1, 1993, the President shall establish an interagency working group for the sole purpose of developing and implementing a comprehensive plan to enable and ensure that domestic shipyards can compete effectively in the international shipbuilding market.

(2) The working group shall include representatives from all appropriate agencies, including the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, the Department of Labor, the Office of the United States Trade Representative, and the Maritime Administration.

(3) The President shall submit to Congress the comprehensive plan developed by the working group not later than October 1, 1993.

(c) REPORT ON SHIP DUMPING PRACTICES.—The Secretary of Transportation shall prepare a report on the countries that provide subsidies for the construction or repair of vessels in foreign shipyards or that engage in ship dumping practices.

(d) REPORT ON DEFENSE CONTRACTS.—The Secretary of Defense shall prepare a report on—

(1) the amount of Department of Defense contracts that were awarded to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d) for the most recent year for which data is available; and

(2) the effect on defense programs of a prohibition of awarding contracts to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d).

(e) REPORT ON ADEQUACY OF UNITED STATES SHIPBUILDING INDUSTRY.—The Secretary of Defense shall prepare a report on—

(1) the adequacy of United States shipbuilding industry to meet military requirements, including sealift, during the period of 1994 through 1999; and

(2) the causes of any inadequacy identified and actions that could be taken to correct such inadequacies.

(f) SUBMISSION OF REPORTS.—The reports under subsections (c), (d), and (e) shall be submitted to Congress with the President's budget for fiscal year 1994.

(g) PENALTY FOR FAILURE TO COMPLY.—(1) Except as provided in paragraph (2), if the President fails to submit to Congress a comprehensive plan as required by subsection (b) by October 1, 1993, no funds appropriated to the Department of Defense for fiscal year 1994 may be used to enter into a contract for the construction, repair, or purchase of any product or service with any company that has headquarters in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

(2) Paragraph (1) shall not apply if the President—

(A) notifies Congress that he is unable to submit the plan by the time required under subsection (c); and

(B) includes with the notice a brief explanation of the reasons for the delay and a statement that the plan will be submitted by April 15, 1994.

(h) DEFINITIONS.—For purposes of subsection (c):

(1) The term "foreign shipyard" includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(2) The term "subsidy" includes any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(3) The term "vessel" means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1431).

Subtitle E—Counter-Drug Activities

SEC. 1041. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) SUPPORT AUTHORIZED.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by striking out "and 1993," and inserting in lieu thereof "1993, and 1994,".

(b) TYPES OF SUPPORT.—Subsection (b) of such section is amended—

(1) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph:

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) by adding at the end the following new paragraph:

"(9) The provision of linguist and intelligence analysis services.".

(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—(1) Such section is further amended—

(A) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.".

(2) Subsection (g)(2) of such section, as redesignated by paragraph (1), is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(d) FUNDING OF SUPPORT ACTIVITIES.—(1) Such section is further amended by striking out

subsection (h), as redesignated by subsection (c)(1).

(2) Of the amount authorized to be appropriated for fiscal year 1993 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1042. MAINTENANCE AND OPERATION OF EQUIPMENT.

Section 374(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Detection, monitoring, and communication of the movement of surface traffic outside of the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) in paragraph (3), by striking out "paragraph (2)(C)" and inserting in lieu thereof "paragraph(2)(D)".

SEC. 1043. COUNTER-DRUG DETECTION AND MONITORING SYSTEMS PLAN.

(a) REQUIREMENTS OF DETECTION AND MONITORING SYSTEMS.—The Secretary of Defense shall establish requirements for counter-drug detection and monitoring systems to be used by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the transit of illegal drugs into the United States. Such requirements shall be designed—

(1) to minimize unnecessary redundancy between counter-drug detection and monitoring systems;

(2) to grant priority to assets and technologies of the Department of Defense that are already in existence or that would require little additional development to be available for use in the performance of such mission;

(3) to promote commonality and interoperability between counter-drug detection and monitoring systems in a cost-effective manner; and

(4) to maximize the potential of using counter-drug detection and monitoring systems for other defense missions whenever practicable.

(b) EVALUATION OF SYSTEMS.—The Secretary of Defense shall identify and evaluate existing and proposed counter-drug detection and monitoring systems in light of the requirements established under subsection (a). In carrying out such evaluation, the Secretary shall—

(1) assess the capabilities, strengths, and weaknesses of counter-drug detection and monitoring systems; and

(2) determine the optimal and most cost-effective combination of use of counter-drug detection and monitoring systems to carry out activities relating to the reconnaissance, detection, and monitoring of drug traffic.

(c) SYSTEMS PLAN.—Based on the results of the evaluation under subsection (b), the Secretary of Defense shall prepare a plan for the development, acquisition, and use of improved counter-drug detection and monitoring systems by the Armed Forces. In developing the plan, the Secretary shall also make every effort to determine which counter-drug detection and monitoring systems should be eliminated from the counter-drug program based on the results of such evaluation. The plan shall include an estimate by the Secretary of the full cost to implement the plan, including the cost to develop, procure, operate, and maintain equipment used in counter-drug detection and monitoring activities performed under the plan and training and personnel costs associated with such activities.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements established under subsection (a) and the results of the evaluation conducted under subsection (b). The report shall include the plan prepared under subsection (c).

(e) LIMITATION ON OBLIGATION OF FUNDS.—(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 pursuant to an authorization of appropriations in this Act may be obligated or expended for the procurement or upgrading of a counter-drug detection and monitoring system, for research and development with respect to such a system, or for the lease or rental of such a system until after the date on which the Secretary of Defense submits to Congress the report required under subsection (d).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for—

(A) any procurement, upgrading, research and development, or lease of a counter-drug detection and monitoring system that is necessary to carry out the evaluation required under subsection (b); or

(B) the operation and maintenance of counter-drug detection and monitoring systems used by the Department of Defense as of the date of the enactment of this Act.

(f) DEFINITION.—For purposes of this section, the term "counter-drug detection and monitoring systems" means land-, air-, and sea-based detection and monitoring systems suitable for use by the Department of Defense in the performance of its mission—

(1) under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the aerial and maritime transit of illegal drugs into the United States; and

(2) to provide support to law enforcement agencies in the detection, monitoring, and communication of the movement of traffic at, near, and outside the geographic boundaries of the United States.

SEC. 1044. EXTENSION OF AUTHORITY TO TRANSFER EXCESS PERSONAL PROPERTY.

Section 1208(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 10 U.S.C. 372 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

SEC. 1045. PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot outreach program to reduce the demand for illegal drugs. The program shall include outreach activities by the active and reserve components of the Armed Forces and shall focus primarily on youths in general and inner-city youths in particular.

(b) PAYMENT OF TRAVEL AND LIVING EXPENSES.—The Secretary of Defense may provide travel and living allowances to members of the Armed Forces who participate in the pilot outreach program to permit such members to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

(c) FUNDING.—Funds available to the Department of Defense for drug interdiction and counter-drug activities may be used for carrying out the pilot outreach program described in subsection (a).

(d) DURATION OF PROGRAM.—The pilot outreach program described in subsection (a) shall be conducted for a test period ending three years after the date of the enactment of this Act.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report that assesses the effectiveness of the pilot outreach program and includes the recommendations of the Secretary regarding the continuation of the program.

Subtitle F—Technical and Clerical Amendments

SEC. 1051. REORGANIZATION OF SECTION 101 DEFINITIONS.

(a) IN GENERAL.—Section 101 of title 10, United States Code, is amended to read as follows:

"§101. Definitions

"(a) IN GENERAL.—The following definitions apply in this title:

"(1) The term 'United States', in a geographic sense, means the States and the District of Columbia.

"(2) The term 'Territory' (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.

"(3) The term 'possessions' includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

"(4) The term 'armed forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(5) The term 'uniformed services' means—

"(A) the armed forces;

"(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(C) the commissioned corps of the Public Health Service.

"(6) The term 'department', when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

"(7) The term 'executive part of the department' means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

"(8) The term 'military departments' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(9) The term 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to matters concerning the Army;

"(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

"(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

"(10) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

"(11) The term 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(12) The term 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

"(13) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

"(14) The term 'supplies' includes material, equipment, and stores of all kinds.

"(15) The term 'pay' includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

"(b) PERSONNEL GENERALLY.—The following definitions relating to military personnel apply in this title:

"(1) The term 'officer' means a commissioned or warrant officer.

"(2) The term 'commissioned officer' includes a commissioned warrant officer.

"(3) The term 'warrant officer' means a person who holds a commission or warrant in a warrant officer grade.

"(4) The term 'general officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(5) The term 'flag officer' means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

"(6) The term 'enlisted member' means a person in an enlisted grade.

"(7) The term 'grade' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

"(8) The term 'rank' means the order of precedence among members of the armed forces.

"(9) The term 'rating' means the name (such as 'boatswain's mate') prescribed for members of an armed force in an occupational field. The term 'rate' means the name (such as 'chief boatswain's mate') prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

"(10) The term 'original', with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member's most recent appointment in that component that is neither a promotion nor a demotion.

"(11) The term 'authorized strength' means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

"(12) The term 'regular', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

"(13) The term 'active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

"(14) The term 'medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(15) The term 'dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(c) RESERVE COMPONENTS.—The following definitions relating to the reserve components apply in this title:

"(1) The term 'National Guard' means the Army National Guard and the Air National Guard.

"(2) The term 'Army National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is a land force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(3) The term 'Army National Guard of the United States' means the reserve component of the Army all of whose members are members of the Army National Guard.

"(4) The term 'Air National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is an air force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(5) The term 'Air National Guard of the United States' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

"(6) The term 'reserve', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

"(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

"(1) The term 'active duty' means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

"(2) The term 'active duty for a period of more than 30 days' means active duty under a call or order that does not specify a period of 30 days or less.

"(3) The term 'active service' means service on active duty or full-time National Guard duty.

"(4) The term 'active status' means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

"(5) The term 'full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

"(6) The term 'inactive-duty training' means—

"(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

"(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

"(e) RULES OF CONSTRUCTION.—In this title—

"(1) 'shall' is used in an imperative sense;

"(2) 'may' is used in a permissive sense;

"(3) 'no person may * * *' means that no person is required, authorized, or permitted to do the act prescribed;

"(4) 'includes' means 'includes but is not limited to'; and

"(5) 'spouse' means husband or wife, as the case may be.

"(f) REFERENCE TO TITLE 1 DEFINITIONS.—For other definitions applicable to this title, see sections 1 through 5 of title 1.".

(b) CROSS REFERENCE CORRECTIONS.—

(1) Section 232(7) of title 18, United States Code, is amended—

(A) by striking out ", but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code," and inserting in lieu thereof "members of the National Guard (as defined in section 101 of title 10),"; and

(B) by striking out ", not included within the definition of National Guard as defined by such section 101(9)," and inserting in lieu thereof "not included within the National Guard (as defined in section 101 of title 10),".

(2) Section 101(26) of title 37, United States Code, is amended by striking out "section 101(47) of title 10," and inserting in lieu thereof "section 101 of title 10,".

(3) Section 3401(a)(1) of title 39, United States Code, is amended by striking out "section 101(4) and (22) of title 10," and inserting in lieu thereof "section 101 of title 10,".

SEC. 1052. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of subchapter II of chapter 21 is amended by inserting "Sec." above "431.".

(2) Section 571(a) is amended by inserting a period at the end of each item in the table.

(3) Section 574(d)(3) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(4) The heading of section 578 is amended by striking out the first semicolon and inserting in lieu thereof a colon.

(5) Section 581(d)(2) is amended by striking out "Board" both places it appears and inserting in lieu thereof "board".

(6) The table of sections at the beginning of chapter 33A is amended—

(A) by inserting "to be" in the item relating to section 576 after "Information"; and

(B) by striking out the first semicolon in the item relating to section 578 and inserting in lieu thereof a colon.

(7) Section 615 is amended—

(A) in subsection (b)(5), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) in subsection (d), by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(8) Sections 616(a), 617(a), 618(a)(1), and 618(a)(2) are each amended by striking out "section 615(a)" and inserting in lieu thereof "section 615(b)".

(9) Section 618(b) is amended by striking out "section 615(b)" in paragraphs (2)(A) and (4) and inserting in lieu thereof "section 615(c)".

(10) Section 628(b)(1) is amended by striking out "section 558" and inserting in lieu thereof "section 573".

(11) Section 945(a)(1) is amended by striking out "section 943(e)(1)(B) of this title (art. 143(e)(1)(B))" and inserting in lieu thereof "section 942(e)(1)(B) of this title (article 142(e)(1)(B))".

(12) Section 1052(b) is amended by inserting a close parenthesis before the period at the end.

(13) Section 1079(j)(2)(B) is amended by inserting a close parenthesis after "1395x(dd)(2)".

(14) Section 1104 is amended—

(A) by striking out "section 5011 of title 38" in subsections (a), (b), and (c) and inserting in lieu thereof "section 8011 of title 38"; and

(B) by striking out "section 5011A of title 38" in subsection (d) and inserting in lieu thereof "section 8011A of title 38".

(15) Section 1174a(c)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 5, 1991".

(16) Section 1175 is amended—

(A) in subsection (a), by striking out "Reserve component" and inserting in lieu thereof "reserve component"; and

(B) in subsection(d)(1), by striking out "prior to the time this provision is enacted" and inserting in lieu thereof "before December 5, 1991".

(17) Section 1263(a) is amended by striking out "564 note" and inserting in lieu thereof "580 note".

(18) Section 1401(a) is amended by striking out "564" in the column in the table under the heading "For sections" and inserting in lieu thereof "580".

(19) Section 1552(a)(2) is amended by striking out "announcing a decision not to promote an enlisted member to a higher grade" and inserting in lieu thereof "announcing the promotion and appointment of an enlisted member to an initial or higher grade or the decision not to promote an enlisted member to a higher grade".

(20) Section 1581(b) is amended by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "December 5, 1991,".

(21) Section 1592 is amended by inserting "section" after "established under".

(22) Section 1733(b)(1)(B)(ii) is amended by striking out "1736(a)(3)" and inserting in lieu thereof "1737(a)(3)".

(23) Section 2304(j)(3)(A) is amended by striking out "section 8(e) of the Small Business Act (15 U.S.C. 637(e))" and inserting in lieu thereof "section 8(d) of the Small Business Act (15 U.S.C. 637(d))".

(24) Section 2307(e) is amended by striking out "(l)" after "(e)" and inserting in lieu thereof "(1)".

(25)(A) Section 2322 is repealed.

(B) The table of sections at the beginning of chapter 137 is amended by striking out the item relating to section 2322.

(26) Section 2324 is amended—

(A) by striking out subsection (f)(5); and

(B) in subsection (l)—

(i) by striking out "subsection (e)(2)(C)" in paragraph (2) and inserting in lieu thereof "paragraph (3)"; and

(ii) by adding at the end the following new paragraph:

"(3) The committees named in this paragraph are—

"(A) the Committees on Armed Services and on Government Operations of the House of Representatives; and

"(B) the Committees on Armed Services and on Governmental Affairs of the Senate.".

(27) Section 2372(e)(1) is amended by striking out "on the day before" and all that follows through the semicolon and inserting in lieu thereof "on December 4, 1991;".

(28) Section 2391(b)(1)(C) is amended by striking out "publicly-announced" and inserting in lieu thereof "publicly announced".

(29) Section 2397(a)(1) is amended by striking out "that contract" and inserting in lieu thereof "that the contract".

(30)(A) Section 2409(d) is amended to read as follows:

"(d) COORDINATION WITH SECTION 2409a.—This section does not apply in the case of an employee who files a timely complaint under section 2409a of this title that meets the requirements of regulations promulgated under subsection (c) of that section.".

(B) The amendment made by subparagraph (A) shall take effect as if enacted immediately following the enactment of Public Law 102-25 (105 Stat. 75).

(31) Section 2411(1)(D) is amended by striking out "organized for" and all that follows through the period and inserting in lieu thereof "organized for profit purposes or nonprofit purposes.".

(32) Section 2503(6) is amended by striking out "section 2508" and inserting in lieu thereof "section 2522".

(33) Section 2507(d)(3)(A) is amended by striking out "government-owned" and inserting in lieu thereof "Government-owned".

(34) Section 2509(b) is amended—

(A) in paragraph (1), by striking out "section 2508" and inserting in lieu thereof "section 2522"; and

(B) in paragraph (5)(B)(ii), by striking out "five-year defense program" and inserting in lieu thereof "multiyear defense program".

(35) Section 2701(j) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" and inserting in lieu thereof "December 5, 1991,".

(36) Section 2708 is amended—

(A) in subsection (b)(1)—

(i) by striking out "all contracts" and inserting in lieu thereof "each contract"; and

(ii) by striking out "all subcontracts under such contracts" and inserting in lieu thereof "any subcontract under any such contract"; and

(B) in subsection (d), by striking out "For purposes of" and inserting in lieu thereof "In".

(37) Section 2801(d) is amended by striking out "sections 2828(g) and 2830" and inserting in lieu thereof "sections 2830 and 2835".

(38) Section 2902(b)(9) is amended by striking out "non-voting" and inserting in lieu thereof "nonvoting".

(39) Section 6325(b) is amended by striking out "section 602 or 5721" and inserting in lieu thereof "section 602 (as in effect before February 1, 1992) or section 5721".

(40) Section 8252 is amended—

(A) by striking out "(a) Except as provided in subsection (b), in" and inserting in lieu thereof "In"; and

(B) by striking out subsection (b).

SEC. 1053. AMENDMENTS TO PUBLIC LAW 102-190.

Effective as of December 5, 1991, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) is amended as follows:

(1) Section 232(b)(2) (105 Stat. 1321) is amended by inserting "the" after "United States and".

(2) Section 234(a) (105 Stat. 1323) is amended by striking out "FOLLOW-ON" and inserting in lieu thereof "FOLLOW-ON".

(3) Section 702(b)(1)(C) (105 Stat. 1401) is amended by striking out "(15)(D)" and inserting in lieu thereof "(15)".

(4) Section 803(a)(1) (105 Stat. 1414) is amended by inserting open quotation marks at the beginning of the unquoted paragraphs (1), (2), and (3) (within the quoted material in such section).

(5) Section 806(c) (105 Stat. 1419) is amended by inserting a close parenthesis before the period at the end.

(6) Section 822(d)(1) (105 Stat. 1435) is amended by striking out "To the extent provided" and inserting in lieu thereof "Subject to such limitations as may be provided".

(7) Section 1049(b) (105 Stat. 1469) is repealed.

(8) Section 1063(d)(1) (105 Stat. 1476) is amended by striking out "of Public Law 101-25" and inserting in lieu thereof "of Public Law 102-25".

(9) Section 2870(2) (105 Stat. 1562) is amended by inserting "through" after "and all that follows".

SEC. 1054. AMENDMENTS TO OTHER LAWS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b is amended—

(A) by striking out subsection (j); and

(B) by redesignating subsection (k) as subsection (j).

(2) Section 301d(c) is amended—

(A) in paragraph (2), by striking out "owned" and inserting in lieu thereof "owed"; and

(B) in paragraph (3), by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "November 5, 1990".

(3) Section 303a(b) is amended by striking out "301d," after "such sections".

(4) Section 406(g)(1)(A) is amended by inserting a semicolon after "title 10".

(5) Section 406b(d) by striking out "Section 420" and inserting in lieu thereof "Section 421".

(6) Section 559(c)(3)(A)(i) is amended by striking out "of this subparagraph".

(7) Section 1007(i)(3) is amended by striking out "and warrant officers" and inserting in lieu thereof ", warrant officers, and limited duty officers".

(b) 1990 BASE CLOSURE ACT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in section 2903(c)(4)—

(A) by striking out the first sentence; and

(B) by striking out "(4)" before "In addition to"; and

(2) in section 2906, by redesignating the second subsection (d) (added by section 2827(a)(1) of Public Law 102-190) as subsection (e).

(c) PUBLIC LAW 102-25.—Public Law 102-25 is amended as follows:

(1) Section 361(d) (105 Stat. 93) is amended by striking out "section 4108(e) of title 38," and inserting in lieu thereof "section 7423(e) of title 38,".

(2) Section 702(b)(4) (105 Stat. 117) is amended by striking out "section 558(c)(3)(A)(i)" and inserting in lieu thereof "section 559(c)(3)(A)(i)".

(d) MENTOR-PROTEGE PILOT PROGRAM.—Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(1) in paragraph (2)(C), by striking out "637(a)(13)" and inserting in lieu thereof "637(a)(15)";

(2) by redesignating the second paragraph (6) and paragraph (7) as paragraphs (7) and (8), respectively; and

(3) in paragraph (8), as so redesignated, by striking out "section 46 of title 41, United States Code," and inserting in lieu thereof "the first section of the Act of June 25, 1938 (41 U.S.C. 46; popularly known as the 'Wagner-O'Day Act'),".

(e) TITLE 31, UNITED STATES CODE.—

(1) The items relating to sections 1551 and 1552 in the table of sections at the beginning of chapter 15 of title 31, United States Code, are amended to read as follows:

"1551. Definitions; applicability of subchapter.
"1552. Procedure for appropriation accounts available for definite periods.".

(2) The heading of section 1551 of such title is amended to read as follows:

"§1551. Definitions; applicability of subchapter".

(f) PUBLIC LAW 101-533.—Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2368 of title 10" and inserting in lieu thereof "section 2522 of title 10".

(g) TITLE 14, UNITED STATES CODE.—Section 514(b) of title 14, United States Code, is amended by inserting a close parenthesis before the period at the end.

(h) PUBLIC LAW 99-661.—Section 1408(c) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4707(c)) is amended by striking out "(except special obligations issued exclusively to the fund)".

(i) HOMEOWNERS ASSISTANCE PROGRAM.—Section 1013(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(a)(1)) is amended by striking out "serviceman" and inserting in lieu thereof "member of the Armed Forces of the United States".

SEC. 1055. COORDINATION WITH OTHER PROVISIONS OF ACT.

For purposes of applying the amendments made by provisions of this Act other than sections 1052, 1053, and 1054, those sections shall be treated as having been enacted immediately before the other provisions of this Act.

Subtitle G—Amendments to the Uniform Code of Military Justice

SEC. 1061. CHIEF JUDGE OF THE COURT OF MILITARY APPEALS.

(a) DESIGNATION AND TERM OF SERVICE.—(1) Section 943(a) (article 143(a)) of title 10, United States Code, is amended to read as follows:

"(a) CHIEF JUDGE.—(1) The chief judge of the United States Court of Military Appeals shall be the judge of the court in regular active service who is senior in commission among the judges of the court who—

"(A) have served for one or more years as judges of the court; and

"(B) have not previously served as chief judge.

"(2) In any case in which there is no judge of the court in regular active service who has served as a judge of the court for at least one year, the judge of the court in regular active service who is senior in commission and has not served previously as chief judge shall act as the chief judge.

"(3) Except as provided in paragraph (4), a judge of the court shall serve as the chief judge under paragraph (1) for a term of five years. If no other judge is eligible under paragraph (1) to serve as chief judge upon the expiration of that term, the chief judge shall continue to serve as chief judge until another judge becomes eligible under that paragraph to serve as chief judge.

"(4)(A) The term of a chief judge shall be terminated before the end of five years if—

"(i) the chief judge leaves regular active service as a judge of the court; or

"(ii) the chief judge notifies the other judges of the court in writing that such judge desires to be relieved of his duties as chief judge.

"(B) The effective date of a termination of the term under subparagraph (A) shall be the date on which the chief judge leaves regular active service or the date of the notification under subparagraph (A)(ii), as the case may be.

"(5) If a chief judge is temporarily unable to perform his duties as a chief judge, the duties shall be performed by the judge of the court in active service who is present, able and qualified to act, and is next in precedence.".

(b) TRANSITION PROVISIONS.—For purposes of section 943(a) (article 943(a)) of title 10, United States Code, as amended by subsection (a)—

(1) the person serving as the chief judge of the United States Court of Military Appeals on the date of the enactment of this Act shall be deemed to have been designated as the chief judge under such section; and

(2) the five-year term provided in paragraph (3) of such section shall be deemed to have begun on the date on which such judge was originally designated as the chief judge under section 867(a) or 943 of title 10, United States Code, as the case may be, as that provision of law was in effect on the date of the designation.

SEC. 1062. RETIREMENT OF JUDGES OF THE COURT OF MILITARY APPEALS.

(a) IN GENERAL.—(1) Section 945 (article 145) of title 10, United States Code, is amended by adding at the end the following:

"(i) ELIGIBILITY TO ELECT BETWEEN RETIREMENT SYSTEMS.—(1) This subsection applies with respect to any person who—

"(A) prior to being appointed as a judge of the United States Court of Military Appeals, performed civilian service of a type making such person subject to the Civil Service Retirement System; and

"(B) would be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986, by virtue of being appointed as such a judge, but for the fact that such person has not had a break in service of sufficient duration to be considered someone who is being reemployed by the Federal Government.

"(2) Any person with respect to whom this subsection applies shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 to the same extent and in the same manner (including subject to the condition set forth in section 301(d) of such Act) as if such person's appointment constituted reemployment with the Federal Government.".

(2) The amendment made by paragraph (1) shall apply with respect to any appointment which takes effect on or after the date of the enactment of this Act.

(b) ADDITIONAL ELECTIONS.—(1) Any individual who is a judge in active service on the United States Court of Military Appeals shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 if—

(A) such individual is such a judge on the date of the enactment of this Act; and

(B) as of the date of the election, such individual is—

(i) subject to the Civil Service Retirement System; or

(ii) covered by Social Security but not subject to the Federal Employees' Retirement System.

(2) An election under this subsection—

(A) shall not be effective unless it is—

(i) made within 30 days after the date of the enactment of this Act; and

(ii) in compliance with the condition set forth in section 301(d) of the Federal Employees' Retirement System Act of 1986; and

(B) may not be revoked.

(3) For the purpose of this subsection, a judge of the United States Court of Military Appeals shall be considered to be "covered by Social Security" if such judge's service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986.

SEC. 1063. JURISDICTION REGARDING OFFENSES COMMITTED DURING PERIODS OF PRIOR SERVICE.

Section 803(a) (article 3(a)) of title 10, United States Code, is amended to read as follows:

"(a) Subject to section 843 of this title (article 43), a person who is in a status in which the person is subject to this chapter and who committed an offense against this chapter while formerly in a status in which the person was subject to this chapter is not relieved from amenability to the jurisdiction of this chapter for that offense by reason of a termination of that person's former status.".

SEC. 1064. POSTPONEMENT OF CONFINEMENT.

Section 857 (article 57) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In any case in which a court-martial sentences a person referred to in paragraph (2) to confinement, the convening authority may postpone the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

"(2) Paragraph (1) applies to a person subject to this chapter who—

"(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

"(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

"(3) In this subsection, the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.".

SEC. 1065. SENTENCING AT REHEARINGS.

Section 863 (article 63) of title 10, United States Code, is amended—

(1) by striking out "imposed" in the second sentence and inserting in lieu thereof "approved"; and

(2) by inserting "approved" in the third sentence after "the pretrial agreement, the".

SEC. 1066. AMENDMENTS TO PUNITIVE ARTICLES.

(a) STANDARD FOR DRUNKENNESS.—(1) Section 911 (article 111) of title 10, United States Code, is amended to read as follows:

"§911. Art. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel

"Any person subject to this chapter who—

"(1) operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), or

"(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is 0.10 grams of alcohol per 100 milliliters of blood or 0.10 grams of alcohol per 210 liters of breath, as shown by chemical analysis,

shall be punished as a court-martial may direct.".

(2) The item relating to section 911 (article 111) in the table of sections at the beginning of subchapter X of chapter 47 of such title is amended to read as follows:

"911. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel.".

(b) CLARIFICATION.—Section 918(3) (article 118(3)) of such title is amended by striking out "others" and inserting in lieu thereof "another".

(c) REMOVAL OF LIMITATIONS RELATING TO GENDER AND MARITAL RELATIONSHIP.—Section 920(a) (article 120(a)) of such title is amended—

(A) by striking out "with a female not his wife"; and

(B) by striking out "her".

SEC. 1067. EFFECTIVE DATE.

The amendments made by sections 1063, 1064, 1065, and 1066 shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after that date.

Subtitle H—Other Matters

SEC. 1071. USE OF AIRCRAFT ACCIDENT INVESTIGATION REPORTS.

(a) TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2254. Treatment of reports of aircraft accident investigations

"(a) IN GENERAL.—(1) Whenever the Secretary of a military department conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the records and report of the investigations shall be treated in accordance with this section.

"(2) For purposes of this section, an accident investigation is any form of investigation of an aircraft accident other than an investigation (known as a 'safety investigation') that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

"(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—(1) The Secretary concerned, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation, before the release of the final accident investigation report relating to the accident, if the Secretary concerned determines—

"(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

"(B) that release of such tapes, reports, or other information—

"(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

"(ii) would not compromise national security.

"(2) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

"(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following a military aircraft accident—

"(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion (or opinions) as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion (or opinions) of the investigators as to the cause or causes of the accident; and

"(2) if the evidence surrounding the accident is not sufficient for those investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

"(d) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident, any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.

"(e) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2254. Treatment of reports of aircraft accident investigations.".

(b) DEADLINE FOR REGULATIONS.—Regulations under section 2254 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to accidents occurring on or after the date on which regulations are first prescribed under that section.

SEC. 1072. SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE.

(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and of the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

(B) are furnished, if the family members so desire, a copy of any completed investigative report and any other completed fatality reports that are available at the time family members are provided the information described in subparagraph (A) to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports are furnished to the family members, if they so desire, when the reports are completed and become available, to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(B) In any case in which an investigative report or other fatality reports cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

(i) are informed about the requirements and procedures necessary to request a copy of such reports; and

(ii) are assisted, if the family members so desire, in submitting a request in accordance with such requirements and procedures.

(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fatality reports shall continue until a copy of each report is obtained, or access to any such report is denied by competent authority within the Department of Defense.

(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

(b) REVIEW OF COMBAT FATALITY NOTIFICATION PROCEDURES.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

(A) Whether uniformity in combat fatality notification procedures among the military departments is desirable, particularly with respect to—

(i) the use of one or two casualty notification and assistance officers;

(ii) the use of standardized fatality report forms and witness statements;

(iii) the use of a single center for all military departments through which combat fatality information may be processed; and

(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

(B) Whether existing combat fatality report forms should be modified to include a block or blocks with which to identify the cause of death as "friendly fire", "U.S. ordnance", or "unknown".

(C) Whether the existing "Emergency Data" form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

(D) Whether the military departments should, in all cases, provide family members of a service member who died as a result of injuries sustained in combat with full and complete details of the death of the service member, regardless of whether such details may be graphic, embarrassing to the family members, or reflect negatively on the military department concerned.

(E) Whether, and when, the military departments should inform family members of a service member who died as a result of injuries sustained in combat about the possibility that the death may have been the result of friendly fire.

(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died as a result of injuries sustained in combat when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) The term "fatality reports" includes investigative reports and any other reports pertaining

to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports, battlefield reports, and medical reports).

(2) The term "family members" means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

(d) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies with respect to deaths of members of the Armed Forces occurring after the date of the enactment of this Act.

(2) With respect to deaths of members of the Armed Forces occurring before the date of the enactment of this Act, the Secretary concerned shall provide fatality reports to family members upon request as promptly as practicable.

SEC. 1073. ADMISSION OF CIVILIANS AS STUDENTS AT THE UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) CIVILIAN ATTENDANCE.—Chapter 605 of title 10, United States Code, is amended—

(1) by redesignating section 7047 as section 7048; and

(2) by inserting after section 7046 the following new section:

"§7047. Students at institutions of higher education: admission

"(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

"(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

"(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

"(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new items:

"7047. Students at institutions of higher education: admission.

"7048. Conferring of degrees on graduates.".

SEC. 1074. REPEAL OF CERTAIN REPORTING REQUIREMENT.

Section 1309 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 113 note) is repealed.

SEC. 1075. RESTRICTION ON OBLIGATION OF FUNDS FOR NEW MUSEUMS.

(a) PROHIBITION ON OBLIGATION OF FUNDS FOR CERTAIN NEW MUSEUMS.—Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 may not be obligated for the purposes of—

(1) the construction or capitalization of—

(A) the National D-Day Museum;

(B) the Airborne and Special Operations Museum; or

(C) the Naval Undersea Museum; or

(2) the renovation of the submarine U.S.S. Blueback for the Oregon Museum of Science and Industry.

(b) EXCEPTION.—The funds referred to in subsection (a) may be obligated for the purpose specified for a museum referred to in that subsection if, with respect to that museum, the Secretary of Defense certifies to Congress that—

(1) the use of Department of Defense funds for that museum is of a higher priority than the use of such funds for the expansion of any existing Department of Defense museum;

(2) in authorizing construction of a new Department of Defense museum, the Secretary would select that museum as one of the Secretary's first four choices for the construction of such a new museum; and

(3) the use of Department of Defense funds for that purpose would make a unique contribution to the mission of the military departments.

SEC. 1076. ARMY MILITARY HISTORY FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§4316. Military history fellowships

"(a) FELLOWSHIPS.—The Secretary of the Army shall prescribe regulations under which the Secretary may award fellowships in military history of the Army to the persons described in subsection (b).

"(b) ELIGIBLE PERSONS.—The persons eligible for awards of fellowships under this section are citizens and nationals of the United States who—

"(1) are graduate students in United States military history;

"(2) have completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agree to prepare a dissertation in a subject area of military history determined by the Secretary.

"(c) REGULATIONS.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients;

"(3) the basis for determining the amount of a fellowship; and

"(4) the total amount that may be awarded as fellowships during an academic year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4315 the following:

"4316. Military history fellowships.".

SEC. 1077. ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES WHO MOVED BETWEEN NONAPPROPRIATED FUND EMPLOYMENT AND DEPARTMENT OF DEFENSE OR COAST GUARD EMPLOYMENT BEFORE APRIL 16, 1991.

(a) ELECTION OF LEAVE OR PAYMENT.—An employee referred to in subsection (b) of section 6308 of title 5, United States Code, who made an employment move described in such subsection after December 31, 1986, and before April 16, 1991, shall be permitted to elect—

(1) to repay the lump-sum payment received under section 5551(a) of that title based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account; or

(2) to keep the lump-sum payment in lieu of that annual leave.

(b) NOTIFICATION; DEADLINE FOR ELECTION.—(1) The head of the agency employing an employee described in subsection (a) shall notify the employee in writing of the provisions of this section. Such written notification shall occur not later than the later of—

(A) 60 days after the date of the enactment of this Act; or

(B) 60 days after the date of the commencement of the employee's employment with the agency.

(2) An employee shall make an election authorized by subsection (a) within 90 days after receiving the written notification required under paragraph (1). An employee who does not make the election within that 90-day period shall be considered to have elected to keep the lump-sum payment.

(c) REPAYMENT OF LUMP-SUM PAYMENT.—An employee who elects to repay the lump-sum payment shall make the repayment not later than two years after the date of the election. The repayment by an employee shall be made in one payment of the entire amount of the lump-sum payment received by that employee in lieu of annual leave.

(d) LEAVE CREDITS.—Upon repayment of the lump-sum payment received by an employee, the employee shall, in accordance with section 6308 of such title, be recredited with the annual leave associated with the lump-sum payment. Annual leave recredited under this subsection shall be credited to a separate leave account for the employee and shall be available for use by the employee until the last day of the second leave year following the leave year in which the leave is recredited. If the employee is separated from service, the annual leave recredited under this section that is unused and still available shall be available for a lump-sum payment under section 5551 or 5552(1) of such title but may not be retained to the credit of the employee under section 5552(s) of such title.

SEC. 1078. STUDY AND REPORT REGARDING EQUITY IN BENEFITS FOR TEMPORARY FEDERAL EMPLOYEES.

(a) IN GENERAL.—The Office of Personnel Management shall conduct a study and, not later than April 1, 1993, report to Congress, in writing, on the feasibility of providing to temporary employees of the Government the same health-insurance, life-insurance, and retirement benefits, and other rights or benefits, as are generally available to those employed by the Government on a permanent basis.

(b) MATTERS TO BE SPECIFICALLY ADDRESSED.—The report under subsection (a) shall specifically address—

(1) the various types of temporary appointments currently allowable under civil-service law and regulations, and the terms and conditions pertinent to each;

(2) the circumstances in which, or the purposes for which, each of the various types of temporary appointments is appropriate;

(3) the rights and benefits generally available to individuals employed by the Government on a permanent basis—

(A) which are currently unavailable to some or all temporary employees; and

(B) of those identified under subparagraph (A), which might appropriately be made available to one or more classes of temporary employees;

(4) alternative means by which some or all of the temporary employees referred to in paragraph (3)(A) could be afforded one or more of the rights or benefits identified under paragraph (3)(B); and

(5) whether any of the alternatives identified under paragraph (4) could be implemented by the Office under existing law, and, if so—

(A) when the Office intends to implement those measures; or

(B) the reasons why the Office either does not intend to implement those measures or cannot provide a timetable for their implementation.

(c) RECOMMENDATIONS.—(1) In addition to the results of the study, the Office's report shall include recommendations for any legislation or administrative action which the Office considers necessary to carry out the purposes of this section.

(2) Any recommendation which involves the amending of existing statutes shall include draft legislation.

SEC. 1079. DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS UNDER THE IMMIGRATION AND NATIONALITY ACT IN CONNECTION WITH THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991.

Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 234 of the Immigration and Nationality Act (8 U.S.C. 1224) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).

SEC. 1080. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1057. Use of armed forces insignia on State license plates

"(a) The Secretary concerned may approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

"(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

"(c) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Use of armed forces insignia on State license plates.".

SEC. 1081. CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Many of the skills, capabilities, and resources that the Armed Forces have developed to meet military requirements can assist in meeting the civilian domestic needs of the United States.

(2) Members of the Armed Forces have the training, education, and experience to serve as role models for United States youth.

(3) As a result of the reductions in the Armed Forces resulting from the ending of the Cold War, the Armed Forces will have fewer overseas deployments and lower operating tempos, and there will be a much greater opportunity than in the past for the Armed Forces to assist civilian efforts to address critical domestic problems.

(4) The United States has significant domestic needs in areas such as health care, nutrition, education, housing, and infrastructure that cannot be met by current and anticipated governmental and private sector programs.

(5) There are significant opportunities for the resources of the Armed Forces, which are maintained for national security purposes, to be applied in cooperative efforts with civilian officials to address these vital domestic needs.

(6) Civil-military cooperative efforts can be undertaken in a manner that is consistent with the military mission and does not compete with the private sector.

(b) ESTABLISHMENT OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—Chapter 20 of title 10, United States Code, is amended—

(1) by adding at the end the following new subchapter:

"SUBCHAPTER II—CIVIL-MILITARY COOPERATION

"Sec.
"410. Civil-Military Cooperative Action Program.

"§410. Civil-Military Cooperative Action Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a program to be known as the 'Civil-Military Cooperative Action Program'. Under the program, the Secretary may, in accordance with other applicable law, use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet the domestic needs of the United States.

"(b) PROGRAM OBJECTIVES.—The program shall have the following objectives:

"(1) To enhance individual and unit training and morale in the armed forces through meaningful community involvement of the armed forces.

"(2) To encourage cooperation between civilian and military sectors of society in addressing domestic needs.

"(3) To advance equal opportunity.

"(4) To enrich the civilian economy of the United States through education, training, and transfer of technological advances.

"(5) To improve the environment and economic and social conditions.

"(6) To provide opportunities for disadvantaged citizens of the United States.

"(c) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils on civil-military cooperation at the regional, State, and local levels, as appropriate, in order to obtain recommendations for projects and activities under the program and guidance for the program from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under the program. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures for the provision of assistance in a manner that does not compete with the private sector.

"(5) Procedures to minimize the extent to which Department of Defense resources are applied exclusively to the program.

"(6) Standards to ensure that assistance is provided under this section in a manner that is consistent with the military mission of the units of the armed forces involved in providing the assistance.

"(e) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law."; and

(2) by inserting below the chapter heading the following:

"Subchapter	*Sec.*
"I. Humanitarian Assistance	*401*
"II. Civil-Military Cooperation	*410*

"SUBCHAPTER I—HUMANITARIAN ASSISTANCE".

SEC. 1082. LIMITATION ON SUPPORT FOR UNITED STATES CONTRACTORS SELLING ARMS OVERSEAS.

(a) SUPPORT FOR CONTRACTORS.—In the event that a United States defense contractor or industrial association requests the Department of Defense or a military department to provide support in the form of military equipment for any airshow or trade exhibition to be held outside the United States, such equipment may not be supplied unless the contractor or association agrees to reimburse the Treasury of the United States for—

(1) all incremental costs of military personnel accompanying the equipment, including food, lodging, and local transportation;

(2) all incremental transportation costs incurred in moving such equipment from its normally assigned location to the airshow or trade exhibition and return; and

(3) any other miscellaneous incremental costs not included under paragraphs (1) and (2) that are incurred by the Federal Government but would not have been incurred had military support not been provided to the contractor or industrial association.

(b) DEPARTMENT OF DEFENSE EXHIBITIONS.—(1) A military department may not participate directly in any airshow or trade exhibition held outside the United States unless the Secretary of Defense—

(A) determines that it is in the national security interests of the United States for the military department to do so; and

(B) provides to the congressional defense committees at least 45 days before the opening of the airshow or trade exhibition a report detailing—

(i) why the show or exhibition is in the national security interest;

(ii) a description of the implications that promoting the sale of the weapons in question will have on arms control; and

(iii) an estimate of any costs to be incurred.

(2) The Secretary of Defense may not delegate the authority to make the determination referred to in paragraph (1)(A) below the level of the Under Secretary of Defense for Policy.

(c) DEFINITION.—In this section, the term "incremental transportation cost" includes the cost of transporting equipment to an airshow or trade exhibition only to the extent that the provision of transportation by the Department of Defense described in subsection (a)(2) does not fulfill legitimate training requirements that would otherwise have to be met.

SEC. 1083. SENSE OF CONGRESS REGARDING THE TIME LIMITATIONS FOR CONSIDERATION OF MILITARY DECORATIONS AND AWARDS.

(a) FINDINGS.—Congress finds the following:

(1) Former members of the Armed Forces, military units, and veteran organizations throughout the United States will be celebrating the 50th anniversary of World War II at reunions and other events through 1995.

(2) A number of individuals who served in the Armed Forces during World War II, and groups of former members of the Armed Forces who served together in units during World War II have expressed interest in individual and unit decorations and awards involving their World War II service that were never presented.

(3) In some cases, the Secretaries of the military departments have declined to consider individual and unit decorations and awards involving World War II service that were established by administrative action solely because of time

limitations established administratively on the submission of recommendations for the decorations and awards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries of the military departments should consider a recommendation for a decoration or award for World War II service without regard to time limitations on the consideration of the recommendation if the recommendation—

(1) is submitted before December 31, 1995;

(2) involves a decoration or award that is not established by Act of Congress; and

(3) presents new information or evidence that the original recommendation was not submitted or was mishandled due to administrative error.

SEC. 1084. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO DOOLITTLE RAIDERS.

It is the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", during April 1942, regardless of the time limitations on the consideration of such awards.

SEC. 1085. SENSE OF CONGRESS REGARDING THE AWARD OF THE PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart should be awarded to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy.

(2) Historically, the military services have responded with tentativeness and reluctance when considering the award of the Purple Heart to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy, including engagements during the Persian Gulf War.

(3) The Congress recognizes that the Secretaries of the military departments contend that, as a matter of policy, the Purple Heart has been awarded as described in paragraph (1), including during the Persian Gulf War.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Secretaries of the military departments should ensure that in the future the Purple Heart is awarded without hesitation to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy; and

(2) that the Secretaries of the military departments should award the Purple Heart in each case of a member of the Armed Forces killed or wounded on or after December 7, 1941, by friendly fire while actively engaged with the enemy which is known to the Secretary or for which an application is made to the Secretary in such a manner as the Secretary requires.

SEC. 1086. STUDY OF EFFECTS OF OPERATIONS DESERT SHIELD AND DESERT STORM MOBILIZATIONS OF RESERVES AND MEMBERS OF THE NATIONAL GUARD WHO WERE SELF-EMPLOYED OR OWNERS OF SMALL BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The service of the members of the Armed Forces of the United States in Operations Desert Shield and Desert Storm was commendable.

(2) The Reserves and the members of the National Guard contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in the liberation of Kuwait.

(3) The Reserves and the members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses possibly suffered unique financial difficulties resulting from their absence from their businesses for such active duty service.

(b) STUDY AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a study examining the economic and other effects on the Reserves and members of the National Guard referred to in subsection (a)(3) resulting from their absence from their businesses for active duty service in connection with Operations Desert Shield and Desert Storm; and

(2) submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

(c) CONTENT OF REPORT.—The report shall include the following matters:

(1) The number of Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses.

(2) A description of the businesses owned by those Reserves and members of the National Guard when such personnel were ordered to active duty.

(3) A detailed analysis of the economic effects on the businesses of such personnel resulting from the absence of such personnel for active duty service.

(4) A discussion of the factors that contributed to any financial hardship or gain for such businesses during the period of the absence of such personnel.

(5) The extent to which such personnel voluntarily separated from the Armed Forces, assumed an inactive status, or retired after being released from active duty.

(6) An analysis of the rates of such separations, change of status, and retirements.

Subtitle I—Youth Service Opportunities

SEC. 1091. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) PROGRAM AUTHORITY.—During fiscal years 1993 through 1995, the Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a pilot program to be known as the "National Guard Civilian Youth Opportunities Program".

(b) PURPOSE.—The purpose of the pilot program is to provide a basis for determining—

(1) whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including supervised work experience in community service and conservation projects, provided by the National Guard; and

(2) whether it is feasible and cost effective for the National Guard to provide military-based training to such youth for the purpose of achieving such improvements.

(c) CONDUCT OF PROGRAM IN 10 NATIONAL GUARD JURISDICTIONS.—The Secretary of Defense may provide for the conduct of the pilot program in any 10 of the States.

(d) PROGRAM AGREEMENTS.—(1) To carry out the pilot program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard.

(2) Each agreement under the pilot program shall provide for the Governor or, in the case of the District of Columbia, the commanding general to establish, organize, and administer a National Guard civilian youth opportunities program in the State.

(3) The agreement may provide for the Secretary to reimburse the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard civilian youth opportunities program.

(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—(1) A school dropout from secondary school shall be eligible to participate in a National Guard civilian youth opportunities program conducted under the pilot program.

(2) The Secretary shall prescribe the standards and procedures for selecting participants for a National Guard civilian youth opportunities program from among school dropouts eligible to participate in the program.

(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (d) and subject to the approval of the Secretary, a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program may receive the following benefits in connection with that training:

(A) Allowances for travel expenses, personal expenses, and other expenses.

(B) Quarters.

(C) Subsistence.

(D) Transportation.

(E) Equipment.

(F) Clothing.

(G) Recreational services and supplies.

(H) Other services.

(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

(2) In the case of a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program who afterwards becomes a member of the Civilian Community Corps under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 195G of such Act.

(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which a National Guard civilian youth opportunities program is conducted under the pilot program may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for that program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of title 32, United States Code, for not longer than the period of the program.

(2) For fiscal year 1993, personnel so serving may not be counted for the purposes of—

(A) any provision of law limiting the number of personnel that may be serving on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components; or

(B) section 524 of title 10, United States Code, relating to the number of reserve component officers who may be on active duty or full-time National Guard duty in certain grades.

(3) A Governor participating in the pilot program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out a National Guard civilian youth opportunities program under the pilot program.

(4) Civilian employees of the National Guard performing services for such a program and contractor personnel performing such services may be required, when appropriate to achieve a program objective, to be members of the National Guard and to wear the military uniform.

(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the pilot program.

(2) Activities under the pilot program shall be considered noncombat activities of the National Guard for purposes of section 710 of title 32, United States Code.

(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the pilot program shall be considered an employee of the United States for the purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28, United States Code, and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (d), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5, United States Code; and

(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the pilot program is terminated.

(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

(j) SUPPLEMENTAL RESOURCES.—(1) To carry out a National Guard civilian youth opportunities program conducted under the pilot program, the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement any funding made available pursuant to subsection (m) out of other resources (including gifts) available to the Governor or the commanding general.

(2) The provision of funds authorized to be appropriated for the pilot program shall not preclude a Governor participating in the pilot program, or the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program), from accepting, using, and disposing of gifts or donations of money, other property, or services for the pilot program.

(k) REPORT.—(1) Within 90 days after the end of the one-year period beginning on the first day of the pilot program, the Secretary shall submit to the congressional defense committees a report on the design, conduct, and effectiveness of the pilot program during that one-year period. The report shall include an assessment of the matters set forth in paragraphs (1) and (2) of subsection (b).

(2) In preparing the report required by paragraph (1), the Secretary shall coordinate with the Governor of each State in which a National Guard civilian youth opportunities program is carried out under the pilot program and, if such a program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

(l) DEFINITIONS.—In this section:

(1) The term "pilot program" means the National Guard Civilian Youth Opportunities Program authorized to be conducted under subsection (a).

(2) The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "school dropout" has the meaning established for the term by the Secretary of Education pursuant to section 6201(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3271(a)).

(4) The term "full-time National Guard duty" has the meaning given that term in section 101 of title 32, United States Code.

(m) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to carry out the pilot program for fiscal year 1993.

SEC. 1092. CIVILIAN COMMUNITY CORPS.

(a) CIVILIAN COMMUNITY CORPS.—(1) Title I of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle H—Civilian Community Corps

"SEC. 195. PURPOSE.

"It is the purpose of this subtitle to authorize the establishment of a Civilian Community Corps to provide a basis for determining—

"(1) whether residential service programs administered by the Federal Government can significantly increase the support for national service and community service by the people of the United States;

"(2) whether such programs can expand the opportunities for willing young men and women to perform meaningful, direct, and consequential acts of community service in a manner that will enhance their own skills while contributing to their understanding of civic responsibility in the United States;

"(3) whether retired members and former members of the Armed Forces of the United States, members and former members of the Armed Forces discharged or released from active duty in connection with reduced Department of Defense spending, members and former members of the Armed Forces discharged or transferred from the Selected Reserve of the Ready Reserve in connection with reduced Department of Defense spending, and other members of the Armed Forces not on active duty and not actively participating in a reserve component of the Armed Forces can provide guidance and training under such programs that contribute meaningfully to the encouragement of national and community service; and

"(4) whether domestic national service programs can serve as a substitute for the traditional option of military service in the Armed Forces of the United States which, in times of reductions in the size of the Armed Forces, is a diminishing national service opportunity for young Americans.

"SEC. 195A. ESTABLISHMENT OF CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Commission on National and Community Service may establish the Civilian Community Corps Demonstration Program to carry out the purpose of this subtitle.

"(b) PROGRAM COMPONENTS.—Under the Civilian Community Corps Demonstration Program authorized by subsection (a), the members of a Civilian Community Corps shall receive training and perform service in at least one of the following two program components:

"(1) A national service program.

"(2) A summer national service program.

"(c) RESIDENTIAL PROGRAMS.—Both program components are residential programs. The members of the Corps in each program shall reside with other members of the Corps in Corps housing during the periods of the members' agreed service.

"SEC. 195B. NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the national service program component of the Civilian Community Corps Demonstration Program authorized by section 195A(a), eligible young people shall work in teams on Civilian Community Corps projects.

"(b) ELIGIBLE PARTICIPANTS.—A person shall be eligible for selection for the national service program if the person—

"(1) is at least 16 and not more than 24 years of age; and

"(2) is a high school graduate or has not received a high school diploma or its equivalent.

"(c) DIVERSE BACKGROUNDS OF PARTICIPANTS.—In selecting persons for the national service program, the Director shall endeavor to ensure that participants are from economically, geographically, and ethnically diverse backgrounds.

"(d) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the national service program shall be economically disadvantaged youths.

"(e) PERIOD OF PARTICIPATION.—Persons desiring to participate in the national service program shall enter into an agreement with the Director to participate in the Corps for a period of not less than nine months and not more than one year, as specified by the Director, and may renew the agreement for not more than one additional such period.

"SEC. 195C. SUMMER NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the summer national service program of the Civilian Community Corps Demonstration Program authorized by section 195A(a), a diverse group of youth aged 14 through 18 years who are from urban or rural areas shall work in teams on Civilian Community Corps projects.

"(b) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the summer national service program shall be economically disadvantaged youths.

"(c) SEASONAL PROGRAM.—The training and service of Corps members under the summer national service program in each year shall be conducted after April 30 and before October 1 of that year.

"SEC. 195D. CIVILIAN COMMUNITY CORPS.

"(a) DIRECTOR.—Upon the establishment of the Civilian Community Corps Demonstration Program, the Civilian Community Corps shall be under the direction of the Director of the Civilian Community Corps appointed pursuant to section 195H(c)(1).

"(b) MEMBERSHIP IN CIVILIAN COMMUNITY CORPS.—

"(1) PARTICIPANTS TO BE MEMBERS.—Persons selected to participate in the national service program or the summer national service program components of the Program shall become members of the Civilian Community Corps.

"(2) SELECTION OF MEMBERS.—The Director or the Director's designee shall select individuals for membership in the Corps.

"(3) APPLICATION FOR MEMBERSHIP.—To be selected to become a Corps member an individual shall submit an application to the Director or to any other office as the Director may designate, at such time, in such manner, and containing such information as the Director shall require. At a minimum, the application shall contain information about the work experience of the applicant and sufficient information to enable the Director, or the superintendent of the appropriate camp, to determine whether selection of the applicant for membership in the Corps is appropriate.

"(c) ORGANIZATION OF CORPS INTO UNITS.—

"(1) UNITS.—The Corps shall be divided into permanent units. Each Corps member shall be assigned to a unit.

"(2) UNIT LEADERS.—The leader of each unit shall be selected from among persons in the per-

manent cadre established pursuant to section 195H(c)(2). The designated leader shall accompany the unit throughout the period of agreed service of the members of the unit.

"(d) CAMPS.—

"(1) UNITS TO BE ASSIGNED TO CAMPS.—The units of the Corps shall be grouped together as appropriate in camps for operational, support, and boarding purposes. The Corps camp for a unit shall be in a facility or central location established as the operational headquarters and boarding place for the unit. Corps members may be housed in the camps.

"(2) CAMP SUPERINTENDENT.—There shall be a superintendent for each camp. The superintendent is the head of the camp.

"(3) ELIGIBLE SITE FOR CAMP.—A camp may be located in a facility referred to in section 195K(a)(3).

"(e) DISTRIBUTION OF UNITS AND CORPS.—The Director shall ensure that the Corps units and camps are distributed in urban areas and rural areas in various regions throughout the United States.

"(f) STANDARDS OF CONDUCT.—

"(1) IN GENERAL.—The superintendent of each camp shall establish and enforce standards of conduct to promote proper moral and disciplinary conditions in the camp.

"(2) SANCTIONS.—Under procedures prescribed by the Director, the superintendent of a camp may—

"(A) transfer a member of the Corps in that camp to another unit or camp if the superintendent determines that the retention of the member in the member's unit or in the superintendent's camp will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members in that unit or camp, as the case may be; or

"(B) dismiss a member of the Corps from the Corps if the superintendent determines that retention of the member in the Corps will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members.

"(3) APPEALS.—Under procedures prescribed by the Director, a member of the Corps may appeal to the Director a determination of a camp superintendent to transfer or dismiss the member. The Director shall provide for expeditious disposition of appeals under this paragraph.

"SEC. 195E. TRAINING.

"(a) COMMON CURRICULUM.—Each member of the Civilian Community Corps shall be provided with between three and six weeks of training that includes a comprehensive service-learning curriculum designed to promote team building, discipline, leadership, work, training, citizenship, and physical conditioning.

"(b) ADVANCED SERVICE TRAINING.—

"(1) NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the national service program shall receive advanced training in basic, project-specific skills that the members will use in performing their community service projects.

"(2) SUMMER NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the summer national service program shall not receive advanced training referred to in paragraph (1) but, to the extent practicable, may receive other training.

"(c) TRAINING PERSONNEL.—

"(1) IN GENERAL.—Members of the cadre appointed under section 195H(c)(2) shall provide the training for the members of the Corps, including, as appropriate, advanced service training and ongoing training throughout the members' periods of agreed service.

"(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, or other qualified individuals.

"(d) FACILITIES.—The training may be provided at installations and other facilities of the Department of Defense, and at National Guard facilities, identified under section 195K(a)(3).

"SEC. 195F. SERVICE PROJECTS.

"(a) PROJECT REQUIREMENTS.—The service projects carried out by the Civilian Community Corps shall—

"(1) meet an identifiable public need;

"(2) emphasize the performance of community service activities that provide meaningful community benefits and opportunities for service learning and skills development;

"(3) to the maximum extent practicable, encourage work to be accomplished in teams of diverse individuals working together; and

"(4) include continued education and training in various technical fields.

"(b) PROJECT PROPOSALS.—

"(1) DEVELOPMENT OF PROPOSALS.—

"(A) SPECIFIC EXECUTIVE DEPARTMENTS.—Upon the establishment of the Program, the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Housing and Urban Development shall develop proposals for Corps projects pursuant to guidance which the Director of the Civilian Community Corps shall prescribe.

"(B) OTHER SOURCES.—Other public and private organizations and agencies, including representatives of local communities in the vicinity of a Corps camp, may develop proposals for projects for a Corps camp. Corps members shall also be encouraged to identify projects for the Corps.

"(2) CONSULTATION REQUIREMENTS.—The process for developing project proposals under paragraph (1) shall include consultation with the Commission on National and Community Service, representatives of local communities, and persons involved in other youth service programs.

"(c) PROJECT SELECTION, ORGANIZATION, AND PERFORMANCE.—

"(1) SELECTION.—The superintendent of a Corps camp shall select the projects to be performed by the members of the Corps assigned to the units in that camp. The superintendent shall select projects from among the projects proposed or identified pursuant to subsection (b).

"(2) INNOVATIVE LOCAL ARRANGEMENTS FOR PROJECT PERFORMANCE.—The Director shall encourage camp superintendents to negotiate with representatives of local communities, to the extent practicable, innovative arrangements for the performance of projects. The arrangements may provide for cost-sharing and the provision by the communities of in-kind support and other support.

"SEC. 195G. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

"(a) IN GENERAL.—The Director of the Civilian Community Corps shall provide for members of the Civilian Community Corps to receive benefits authorized by this section.

"(b) LIVING ALLOWANCE.—The Director shall provide a living allowance to members of the Corps for the period during which such members are engaged in training or any activity on a Corps project. The Director shall establish the amount of the allowance at any amount not in excess of the amount equal to 100 percent of the poverty line that is applicable to a family of two (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(c) OTHER AUTHORIZED BENEFITS.—While receiving training or engaging in service projects as members of the Civilian Community Corps, members may be provided the following benefits:

"(1) Allowances for travel expenses, personal expenses, and other expenses.

"(2) Quarters.

"(3) Subsistence.

"(4) Transportation.

"(5) Equipment.

"(6) Clothing.

"(7) Recreational services and supplies.

"(8) Other services determined by the Director to be consistent with the purposes of the Program.

"(d) SUPPORTIVE SERVICES.—As the Director determines appropriate, the Director may provide each member of the Corps with health care services, child care services, counseling services, and other supportive services.

"(e) POST SERVICE BENEFITS.—Upon completion of the agreed period of service with the Corps, a member shall elect to receive the educational assistance under subsection (f) or the cash benefit under subsection (g).

"(f) EDUCATIONAL ASSISTANCE.—

"(1) AUTHORITY.—

"(A) CORPS MEMBERS COMPLETING AGREED SERVICE.—The Director shall provide educational assistance to each Corps member who—

"(i) completes a period of agreed service in the Corps; and

"(ii) elects to receive the assistance.

"(B) CORPS MEMBERS NOT COMPLETING AGREED SERVICE.—The Director may provide educational assistance to a Corps member who—

"(i) through no fault on the part of the Corps member, does not complete the period of agreed service; and

"(ii) requests the assistance.

"(2) AMOUNT.—

"(A) AMOUNT FOR COMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(A) shall be—

"(i) in the case of a Corps member in the national service program, $5,000 for each period of agreed service in the Corps; and

"(ii) in the case of a Corps member in the summer national service program, $1,000 for each period of agreed service in the Corps.

"(B) PRORATED AMOUNT FOR INCOMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(B) shall be determined by multiplying—

"(i) the amount that would be applicable to the member under subparagraph (A) if the member had completed the agreed period of service, by

"(ii) the percentage determined by dividing the period of the Corps member's service by the period of the Corps member's agreed period of service.

"An amount that is not an even multiple of $1 shall be rounded down to the next lower even multiple of $1.

"(C) ADJUSTMENT OF AMOUNT.—To the extent provided in appropriations Acts, whenever the maximum permissible grant amount for a year under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) is increased, the amount of the educational assistance payment under subparagraph (A)(i) shall be increased to the amount equal to the sum of that maximum permissible grant amount (as increased) plus $2,500.

"(3) USES OF ASSISTANCE.—Educational assistance provided for a person under this subsection may be used only for—

"(A) payment of any student loan, whether from a Federal source or a non-Federal source; or

"(B) tuition, room and board, books and fees, and other costs of attendance (determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) that are associated with attendance at an institution of higher education on a full-time basis.

"(4) APPLICATION.—To receive educational assistance under this section, a person shall submit to the Director such information and documentation as the Director may require. In the case of use of the educational assistance for expenses referred to in paragraph (3)(B), the information submitted to the Director shall include, as a minimum, the academic program of, and a letter of acceptance from, the institution of higher education at which the educational assistance is to be used.

"(g) CASH BENEFIT.—

"(1) IN GENERAL.—The Director shall provide a cash benefit to each Corps member electing to receive the cash benefit.

"(2) AMOUNT.—The amount of the cash benefit payable to a member of the Corps shall be equal to 50 percent of the amount of the educational assistance that the member would have been entitled to receive under subsection (f) if the member had elected to receive the educational assistance.

"(h) OTHER POST-SERVICE BENEFITS.—To the extent the Director considers appropriate, upon a Corps member's completion of the agreed period of service with the Corps, the Director shall provide information and counseling to the member to assist the member—

"(1) to pursue a high school diploma or the equivalent;

"(2) to pursue a degree at an institution of higher education; or

"(3) to obtain employment and support services as necessary and appropriate.

"SEC. 195H. ADMINISTRATIVE PROVISIONS.

"(a) BOARD.—The Board shall monitor and supervise the administration of the Civilian Community Corps Demonstration Program authorized to be established under section 195A. In carrying out this section, the Board shall—

"(1) approve such guidelines, recommended by the Director, for the design, selection of members, and operation of the Civilian Community Corps as the Board considers appropriate;

"(2) evaluate the progress of the Corps in providing a basis for determining the matters set forth in section 195; and

"(3) carry out any other activities determined appropriate by the Board.

"(b) EXECUTIVE DIRECTOR.—The Executive Director of the Commission on National and Community Service shall—

"(1) monitor the overall operation of the Civilian Community Corps;

"(2) coordinate the activities of the Corps with other youth service programs administered by the Commission; and

"(3) carry out any other activities determined appropriate by the Board.

"(c) STAFF.—

"(1) DIRECTOR.—

"(A) APPOINTMENT.—Upon the establishment of the Program, the Board, in consultation with the Executive Director, shall appoint a Director of the Civilian Community Corps. The Director may be selected from among retired commissioned officers of the Armed Forces of the United States.

"(B) DUTIES.—The Director shall—

"(i) design, develop, and administer the Civilian Community Corps programs;

"(ii) be responsible for managing the daily operations of the Corps; and

"(iii) report to the Board through the Executive Director.

"(C) AUTHORITY TO EMPLOY STAFF.—The Director may employ such staff as is necessary to carry out this subtitle. The Director shall, to the maximum extent practicable, utilize in staff positions personnel who are detailed from departments and agencies of the Federal Government and, to the extent the Director considers appropriate, shall request and accept detail of personnel from such departments and agencies in order to do so.

"(2) PERMANENT CADRE.—

"(A) ESTABLISHMENT.—The Director shall establish a permanent cadre of supervisors and training instructors for Civilian Community Corps programs.

"(B) APPOINTMENT.—The Director shall appoint the members of the permanent cadre.

"(C) EMPLOYMENT CONSIDERATIONS.—In appointing individuals to cadre positions, the Director shall—

"(i) give consideration to retired, discharged, and other inactive members and former members of the Armed Forces recommended under section 195K(a)(2);

"(ii) give consideration to former VISTA, Peace Corps, and youth service program personnel;

"(iii) ensure that the cadre is comprised of males and females of diverse ethnic, economic, professional, and geographic backgrounds; and

"(iv) consider applicants' experience in other youth service programs.

"(D) COMMUNITY SERVICE CREDIT.—Service as a member of the cadre shall be considered as a community service opportunity for purposes of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 and as employment with a public service or community service organization for purposes of section 4464 of that Act.

"(E) TRAINING.—The Director shall provide to members of the permanent cadre appropriate training in youth development techniques and the principles of service learning. All members of the permanent cadre shall be required to participate in the training.

"(3) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director, the members of the permanent cadre, and the other staff personnel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The rates of pay of such persons may be established without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(4) VOLUNTARY SERVICES.—Notwithstanding any other provision of law, the Director may accept the voluntary services of individuals. While away from their homes or regular places of business on the business of the Corps, such individuals may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 195I. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

"(a) IN GENERAL.—Except as otherwise provided in this section, members of the Civilian Community Corps shall not, by reason of their status as such members, be considered Federal employees or be subject to the provisions of law relating to Federal employment.

"(b) WORK-RELATED INJURIES.—

"(1) IN GENERAL.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, members of the Corps shall be considered as employees of the United States within the meaning of the term 'employee', as defined in section 8101 of such title.

"(2) SPECIAL RULE.—In the application of the provisions of subchapter I of chapter 81 of title 5, United States Code, to a person referred to in paragraph (1), the person shall not be considered to be in the performance of duty while absent from the person's assigned post of duty unless the absence is authorized in accordance with procedures prescribed by the Director.

"(c) TORT CLAIMS PROCEDURE.—A member of the Corps shall be considered an employee of the United States for purposes of chapter 171 of title 28, United States Code, relating to tort claims liability and procedure.

"SEC. 195J. CONTRACT AND GRANT AUTHORITY.

"(a) PROGRAMS.—The Director may, by contract or grant, provide for any public or private organization to perform any program function under this subtitle.

"(b) EQUIPMENT AND FACILITIES.—

"(1) FEDERAL AND NATIONAL GUARD PROPERTY.—The Director shall enter into agreements, as necessary, with the Secretary of Defense, the Governor of a State, territory or commonwealth, or the commanding general of the District of Columbia National Guard, as the case may be, to utilize—

"(A) equipment of the Department of Defense and equipment of the National Guard; and

"(B) Department of Defense facilities and National Guard facilities identified pursuant to section 195K(a)(3).

"(2) OTHER PROPERTY.—The Director may enter into contracts or agreements for the use of other equipment or facilities to the extent practicable to train and house members of the Civilian Community Corps and leaders of Corps units.

"SEC. 195K. RESPONSIBILITIES OF OTHER DEPARTMENTS.

"(a) SECRETARY OF DEFENSE.—

"(1) LIAISON OFFICE.—

"(A) ESTABLISHMENT.—Upon the establishment of the Program, the Secretary of Defense shall establish an office to provide for liaison between the Secretary and the Civilian Community Corps.

"(B) DUTIES.—The office shall—

"(i) in order to assist in the recruitment of personnel for appointment in the permanent cadre, make available to the Director information in the registry established by section 4462 of the National Defense Authorization Act for Fiscal Year 1993; and

"(ii) provide other assistance in the coordination of Department of Defense activities with the Corps.

"(2) CORPS CADRE.—

"(A) LIST OF RECOMMENDED PERSONNEL.—Upon the establishment of the Program, the Secretary of Defense, in consultation with the liaison office established under paragraph (1) shall develop a list of individuals to be recommended for appointment in the permanent cadre of Corps personnel. Such personnel shall be selected from among members and former members of the Armed Forces referred to in section 195(3) who are commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers.

"(B) RECOMMENDATIONS REGARDING GRADE AND PAY.—The Secretary of Defense shall recommend to the Director an appropriate rate of pay for each person recommended for the cadre pursuant to this paragraph.

"(C) CONTRIBUTION FOR RETIRED MEMBER'S PAY.—If a listed individual receiving retired or retainer pay is appointed to a position in the cadre and the rate of pay for that individual is established at the amount equal to the difference between the active duty pay and allowances which that individual would receive if ordered to active duty and the amount of the individual's retired or retainer pay, the Secretary of Defense shall pay, by transfer to the Commission on National and Community Service from amounts available for pay of active duty members of the Armed Forces, the amount equal to 50 percent of that individual's rate of pay for service in the cadre.

"(3) FACILITIES.—Upon the establishment of the Program, the Secretary of Defense shall identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Civilian Community Corps for training or housing Corps

members. The Secretary of Defense shall carry out this paragraph in consultation with the liaison office established under paragraph (1).

"(4) INFORMATION REGARDING CORPS.—The Secretary of Defense may permit Armed Forces recruiters to inform potential applicants for the Corps regarding service in the Corps as an alternative to service in the Armed Forces.

"(b) SECRETARY OF LABOR.—Upon the establishment of the Program, the Secretary of Labor shall identify and assist in establishing a system for the recruitment of persons to serve as members of the Civilian Community Corps. In carrying out this subsection, the Secretary of Labor may utilize the Employment Service Agency or the Office of Job Training.

"SEC. 195L. ADVISORY BOARD.

"(a) ESTABLISHMENT AND PURPOSE.—Upon the establishment of the Program, there shall also be established a Civilian Community Corps Advisory Board to advise the Director of the Civilian Community Corps concerning the administration of this subtitle and to assist in the development and administration of the Corps.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of the following members:

"(1) The Secretary of Labor.

"(2) The Secretary of Defense.

"(3) The Secretary of the Interior.

"(4) The Secretary of Agriculture.

"(5) The Secretary of Education.

"(6) The Secretary of Housing and Urban Development.

"(7) The Chief of the National Guard Bureau.

"(8) Individuals appointed by the Director from among persons who are broadly representative of educational institutions, voluntary organizations, industry, youth, and labor unions.

"(9) The Chair of the Commission on National and Community Service.

"(c) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

"SEC. 195M. ANNUAL EVALUATION.

"Pursuant to the provisions for evaluations conducted under section 179, and in particular subsection (g) of such section, the Commission on National and Community Service shall conduct an annual evaluation of the Civilian Community Corps programs authorized under this subtitle.

"SEC. 195N. FUNDING LIMITATION.

"The Commission, in consultation with the Director, shall ensure that no amounts appropriated under section 501 are utilized to carry out this subtitle.

"SEC. 195O. DEFINITIONS.

"In this subtitle:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Commission on National and Community Service.

"(2) CORPS.—The terms 'Civilian Community Corps' and 'Corps' mean the Civilian Community Corps required under section 195D as part of the Civilian Community Corps Demonstration Program.

"(3) CORPS CAMP.—The term 'Corps camp' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.

"(4) CORPS MEMBERS.—The term 'Corps members' means persons receiving training and participating in projects under the Civilian Community Corps Demonstration Program.

"(5) DIRECTOR.—The term 'Director' means the Director of the Civilian Community Corps.

"(6) EXECUTIVE DIRECTOR.—The term 'Executive Director' means the Executive Director of the Commission on National and Community Service.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(8) PROGRAM.—The terms 'Civilian Community Corps Demonstration Program' and 'Program' mean the Civilian Community Corps Demonstration Program established pursuant to section 195A.

"(9) SERVICE LEARNING.—The term 'service learning', with respect to Corps members, means a method—

"(A) under which Corps members learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs;

"(B) that provides structured time for a Corps member to think, talk, or write about what the Corps member did and saw during an actual service activity;

"(C) that provides Corps members with opportunities to use newly acquired skills and knowledge in real life situations in their own communities; and

"(D) that helps to foster the development of a sense of caring for others, good citizenship, and civic responsibility.

"(10) SUPERINTENDENT.—The term 'superintendent', with respect to a Corps camp, means the head of the camp under section 195D(d).

"(11) UNIT.—The term 'unit' means a unit of the Corps referred to in section 195D(c).".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the National and Community Service Act of 1990 is amended by inserting after the item relating to section 190 the following:

"SUBTITLE H—CIVILIAN COMMUNITY CORPS

"Sec. 195. Purpose.
"Sec. 195A. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 195B. National service program.
"Sec. 195C. Summer national service program.
"Sec. 195D. Civilian Community Corps.
"Sec. 195E. Training.
"Sec. 195F. Service projects.
"Sec. 195G. Authorized benefits for Corps members.
"Sec. 195H. Administrative provisions.
"Sec. 195I. Status of Corps members and Corps personnel under Federal law.
"Sec. 195J. Contract and grant authority.
"Sec. 195K. Responsibilities of other departments.
"Sec. 195L. Advisory board.
"Sec. 195M. Annual evaluation.
"Sec. 195N. Funding limitation.
"Sec. 195O. Definitions.".

(b) REPORT AND STUDY REQUIREMENTS.—(1) Not later than 180 days after the date on which the Commission on National Community Service establishes the Civilian Community Corps Demonstration Program authorized by section 195A of the National and Community Service Act of 1990 (as added by subsection (a)), the Commission shall prepare and submit to the appropriate committees of Congress a progress report on the implementation of the provisions of subtitle H of title I of such Act. The progress report shall include an assessment of the activities undertaken in establishing and administering Civilian Community Corps camps and an analysis of the level of coordination of Corps activities with activities of other departments or agencies of the Federal Government.

(2) Not later than 90 days after the end of the one-year period beginning on the first day of the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Services Act of 1990 (as added by subsection (a)), the Board of Directors of the Commission on National and Community Service and the Director of the Civilian Community Corps shall prepare and submit to the appropriate committees of Congress a report concerning the desirability and feasibility of establishing the Civilian Community Corps as an independent agency of the Federal Government.

(c) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available for the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Service Act of 1990 (as added by subsection (a)).

SEC. 1093. COORDINATION OF PROGRAMS.

(a) COORDINATED ADMINISTRATION.—To the maximum extent practicable, the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps shall coordinate the National Guard Youth Opportunities Program established pursuant to section 1091 and the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A of the National and Community Service Act of 1990 (as added by section 1092(a)).

(b) OBJECTIVES.—The officials referred to in subsection (a) shall ensure that—

(1) the programs referred to in subsection (a) are conducted in such a manner in relationship to each other that the public benefit of those programs is maximized;

(2) to the maximum extent appropriate to meet the needs of program participants, persons who complete participation in the National Guard Youth Opportunities Program and are eligible and apply to participate in the Civilian Community Corps under the Civilian Community Corps Demonstration Program are accepted for participation in that Program; and

(3) the programs referred to in subsection (a) are conducted simultaneously in competition with each other in the same immediate area of the United States only when the population of eligible participants in that area is sufficient to justify the simultaneous conduct of such programs in that area.

SEC. 1094. OTHER PROGRAMS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) INCREASED COMMISSION ACTIVITIES.—It is the purpose of this section to increase the ability of the Commission on National and Community Service to expand non-residential programs that perform worthwhile urban and rural community projects that assist in the economic transition of localities affected by Department of Defense conversion. The Commission may also explore the potential for developing a program that would permit members of the Civilian Community Corps established under subtitle H of title I of the National and Community Services Act of 1990, as added by section 1092, to provide training to such participants at residential facilities and return them to their local communities for the service portion of their period of agreed service. To the extent practicable, such effort shall be coordinated with the National Guard Civilian Youth Opportunities Program authorized by section 1091 and with the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A the National and Community Services Act of 1990, as added by section 1092.

(b) FUNDING AND USE OF FUNDS.—(1) Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available to the Board of Directors of the Commission on National and Community Service for activities under subtitles B, C, D, E, F, and G of

the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.). Such amount shall be in addition to, and not a substitute for, amounts authorized to be appropriated under section 501 of such Act (42 U.S.C. 12681).

(2) In the use of the funds made available under paragraph (1), the Commission shall give special consideration to—

(A) programs located in communities where facilities of military installation (as defined in section 2687(e)(1) of title 10, United States Code) have been closed;

(B) programs that employ retired, inactive, or discharged military personnel;

(C) programs that involve military personnel participating in volunteer services;

(D) programs that test whether a non-residential, community based youth service corps can engender in young men and women a commitment to civic responsibility and involvement in their communities;

(E) programs that test whether such non-residential corps permit young people who have received military-based training to use their skills and knowledge to improve their communities; and

(F) programs that test whether retired, discharged, or inactive members and former members of the Armed Forces can play a meaningful role in service-learning by acting as mentors, teachers, counselors and role models.

SEC. 1095. LIMITATION ON OBLIGATION OF FUNDS.

(a) CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.—The amount made available pursuant to section 1092(c) for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) OTHER COMMISSION ON NATIONAL AND COMMUNITY SERVICE PROGRAMS.—The amount made available pursuant to section 1094(b) for activities under subtitles B, C, D, E, F, and G of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) may be obligated for such activities only if expenditures for such activities have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 under section 301 and made available for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)) or for activities under subtitles B, C, D, E, F, and G of such Act. If the Director determines that any such amount shall not classify against the defense category (as described in subsections (a) and (b)), then the President shall submit to Congress a report stating that the Director has made such a determination and containing the amounts that will not classify against the defense category and an explanation for the determination.

(2) The amounts listed in the report under paragraph (1) may be transferred only to the programs under title III that are classified against the defense category pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Army National Guard Combat Readiness Reform Act of 1992".

Subtitle A—Deployability Enhancements

SEC. 1111. MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.

(a) ESTABLISHMENT OF MINIMUM PERCENTAGE.—The Secretary of the Army shall have an objective of increasing the percentage of qualified prior active-duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by September 30, 1997.

(b) INTERIM ACCESSION PERCENTAGES.—The Secretary shall prescribe regulations establishing for each of fiscal years 1993 through 1997 an accession percentage for officers, and a separate accession percentage for enlisted members, for prior active-duty personnel so as to facilitate compliance with the objectives stated in subsection (a).

(c) QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty.

(d) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a) shall be prescribed not later than March 15, 1993. The Secretary shall submit those regulations to the Committees on Armed Services of the Senate and House of Representatives not later than April 1, 1993.

SEC. 1112. SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.

(a) ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers' Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

(b) ROTC GRADUATES.—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers' Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation, to be served in the National Guard.

SEC. 1113. REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.

(a) REVIEW.—Whenever an officer in an Army National Guard unit as defined in subsection (b) is recommended for a unit vacancy promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer or another active-duty officer designated by the Secretary of the Army. The commander or other active-duty officer designated by the Secretary of the Army shall provide to the promoting authority, through the promotion board convened by the promotion authority to consider unit vacancy promotion candidates, before the promotion is made, a recommendation of concurrence or nonconcurrence in the promotion. The recommendation shall be provided to the promoting authority within 60 days after receipt of notice of the recommended promotion.

(b) IMPLEMENTATION.—Subsection (a) shall take effect—

(1) on April 1, 1993, for officers in Army National Guard units that on that date are designated as round-out/round-up units;

(2) on October 1, 1993, for officers in other units of the Army National Guard in the Selected Reserve of the Ready Reserve that are designated as early deploying units; and

(3) on April 1, 1994, for officers in all other Army National Guard combat units.

(c) REPORT ON FEASIBILITY.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, not later than March 1, 1993, containing a plan for implementation of subsection (a). The Secretary may include with the report such proposals for legislation to clarify, improve, or modify the provisions of subsection (a) in order to better carry out the purposes of those provisions as the Secretary considers appropriate.

SEC. 1114. NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.

(a) NONWAIVABILITY.—Any standard prescribed by the Secretary of the Army establishing a military education requirement for noncommissioned officers that must be met as a requirement for promotion to a higher noncommissioned officer grade may be waived only if the Secretary determines that the waiver is necessary in order to preserve unit leadership continuity under combat conditions.

(b) AVAILABILITY OF TRAINING POSITIONS.—The Secretary of the Army shall ensure that there are sufficient training positions available to enable compliance with subsection (a).

SEC. 1115. INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL ACCOUNT.

(a) ESTABLISHMENT OF PERSONNEL ACCOUNT.—The Secretary of the Army shall establish a personnel accounting category for members of the Army National Guard to be used for categorizing members of the National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment. The account shall be designed so that it is compatible with the decentralized personnel systems of the Army Guard and Reserve. The account shall be used for the reporting of personnel readiness and may not be used as a factor in establishing the level of Army Guard and Reserve force structure.

(b) USE OF ACCOUNT.—Until a member of the Army National Guard has completed the minimum training necessary for deployment, the member may not be assigned to fill a position in a National Guard unit but shall be carried in the account established under subsection (a).

(c) TIME FOR QUALIFICATION FOR DEPLOYMENT.—(1) If at the end of 24 months after a member of the Army National Guard enters the National Guard, the member has not completed the minimum training required for deployment, the member shall be discharged from the Army National Guard.

(2) The Secretary of the Army may waive the requirement in paragraph (1) in the case of

health care providers and in other cases determined necessary. The authority to make such a waiver may not be delegated.

SEC. 1116. MINIMUM PHYSICAL DEPLOYABILITY STANDARDS.

The Secretary of the Army shall transfer the personnel classification of a member of the Army National Guard from the National Guard unit of the member to the personnel account established pursuant to section 1115 if the member does not meet minimum physical profile standards required for deployment. Any such transfer shall be made not later than 90 days after the date on which the determination that the member does not meet such standards is made.

SEC. 1117. MEDICAL ASSESSMENTS.

The Secretary of the Army shall require that—

(1) each member of the Army National Guard undergo a medical and dental screening on an annual basis; and

(2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less often than every two years.

SEC. 1118. DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.

(a) DEVELOPMENT OF PLAN.—The Secretary of the Army shall develop a plan to ensure that units of the Army National Guard scheduled for early deployment in the event of a mobilization (as determined by the Secretary) are dentally ready (as defined in regulations of the Secretary) for deployment.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such plan not later than February 15, 1993. The Secretary shall include in the report any legislative proposals that the Secretary considers necessary in order to implement the plan.

SEC. 1119. COMBAT UNIT TRAINING.

The Secretary of the Army shall establish a program to minimize the post-mobilization training time required for combat units of the Army National Guard. The program shall require—

(1) that unit premobilization training emphasize—

(A) individual soldier qualification and training;

(B) collective training and qualification at the crew, section, team, and squad level; and

(C) maneuver training at the platoon level as required of all Army units; and

(2) that combat training for command and staff leadership include annual multi-echelon training to develop battalion, brigade, and division level skills, as appropriate.

SEC. 1120. USE OF COMBAT SIMULATORS.

The Secretary of the Army shall expand the use of simulations, simulators, and advanced training devices and technologies in order to increase training opportunities for members and units of the Army National Guard.

Subtitle B—Assessment of National Guard Capability

SEC. 1121. DEPLOYABILITY RATING SYSTEM.

The Secretary of the Army shall modify the readiness rating system for units of the Army Reserve and Army National Guard to ensure that the rating system provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. In making such modifications, the Secretary shall ensure that the unit readiness rating system is designed so—

(1) that the personnel readiness rating of a unit reflects—

(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

(2) that the equipment readiness assessment of a unit—

(A) documents all equipment required for deployment;

(B) reflects only that equipment that is directly possessed by the unit;

(C) specifies the effect of substitute items; and

(D) assesses the effect of missing components and sets on the readiness of major equipments items.

SEC. 1122. INSPECTIONS.

Section 105 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall";

(B) by striking out "and" at the end of paragraph (5);

(C) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (6) the following:

"(7) the units of the Army National Guard meet requirements for deployment."; and

(2) in subsection (b), by inserting "; and for determining which units of the National Guard meet deployability standards" before the period.

Subtitle C—Compatibility of Guard Units With Active Component Units

SEC. 1131. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—The Secretary of the Army shall require that each National Guard combat unit of the Army National Guard be associated with an active-duty combat unit.

(b) RESPONSIBILITIES.—The commander (at a brigade or higher level) of the associated active duty unit for any National Guard combat unit shall be responsible for—

(1) approving the training program of the National Guard unit;

(2) reviewing the readiness report of the National Guard unit;

(3) assessing the manpower, equipment, and training resources requirements of the National Guard unit; and

(4) validating, not less often than annually, the compatibility of the National Guard unit with the active duty forces.

(c) IMPLEMENTATION.—The Secretary of the Army shall begin to implement subsection (a) during fiscal year 1993 and shall achieve full implementation of the plan not later than October 1, 1995.

SEC. 1132. TRAINING COMPATIBILITY.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1353) is amended by adding at the end the following new paragraph:

"(4) After September 30, 1994, not less than 3,000 warrant officers and enlisted members in addition to those assigned under paragraph (2) shall be assigned to serve as advisers under the program.".

SEC. 1133. SYSTEMS COMPATIBILITY.

(a) COMPATIBILITY PROGRAM.—The Secretary of the Army shall develop and implement a program to ensure that Army personnel systems, Army supply systems, Army maintenance management systems, and Army finance systems are compatible across all Army components.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program under subsection (a) and setting forth a plan for implementation of the program by the end of fiscal year 1997.

SEC. 1134. EQUIPMENT COMPATIBILITY.

Section 115b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A statement of the current status of the compatibility of equipment between the Army reserve components and active forces of the Army, the effect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.".

SEC. 1135. DEPLOYMENT PLANNING REFORM.

(a) REQUIREMENT FOR PRIORITY SYSTEM.—The Secretary of the Army shall develop a system for identifying the priority for mobilization of Army reserve component units. The priority system shall be based on regional contingency planning requirements and doctrine to be integrated into the Army war planning process.

(b) UNIT DEPLOYMENT DESIGNATORS.—The system shall include the use of Unit Deployment Designators to specify the post-mobilization training days allocated to a unit before deployment. The Secretary shall specify standard designator categories in order to group units according to the timing of deployment after mobilization.

(c) USE OF DESIGNATORS.—(1) The Secretary shall establish procedures to link the Unit Deployment Designator system to the process by which resources are provided for National Guard units.

(2) The Secretary shall develop a plan that allocates greater funding for training, full-time support, equipment, and manpower in excess of 100 percent of authorized strength to units assigned unit deployment designators that allow fewer post-mobilization training days.

(3) The Secretary shall establish procedures to identify the command level at which combat units would, upon deployment, be integrated with active component forces consistent with the Unit Deployment Designator system.

SEC. 1136. QUALIFICATION FOR PRIOR-SERVICE ENLISTMENT BONUS.

Section 308i(c) of title 37, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.".

SEC. 1137. STUDY OF IMPLEMENTATION FOR ALL RESERVE COMPONENTS.

The Secretary of Defense shall conduct an assessment of the feasibility of implementing the provisions of this title for all reserve components. Not later than December 31, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a plan for such implementation.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Operation Desert Storm

SEC. 1201. EXTENSION OF SUPPLEMENTAL AUTHORIZATIONS FOR OPERATION DESERT STORM.

Sections 101, 102(c), and 106 of Public Law 102–25 (105 Stat. 78) are each amended by striking out "fiscal years 1991 and 1992" each place it appears and inserting in lieu thereof "fiscal years 1991, 1992, and 1993".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1992 in accordance with subsection (a) of section 101 of Public Law 102–25 (105 Stat. 78), to be available under subsection (b)(1) of such section, the sum of $429,000,000 for military personnel as follows:

(1) ARMY.—For the Army, $399,000,000.

(2) NAVY.—For the Navy, $30,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1992 AUTHORIZA-

TIONS.—The total amount of the transfer authority provided for the Secretary of Defense for fiscal year 1992 in Public Law 102-190 or any other Act is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1992 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102-25, as amended by section 1201.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1993 in accordance with subsection (a) of section 101 of Public Law 102-25 (105 Stat. 78), to be available under subsection (b) of such section, the sum of $87,700,000 for military personnel as follows:

(1) ARMY.—For the Army, $29,300,000.

(2) NAVY.—For the Navy, $35,300,000.

(3) MARINE CORPS.—For the Marine Corps, $3,100,000.

(4) AIR FORCE.—For the Air Force, $20,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1993 AUTHORIZATIONS.—The amount of the transfer authority provided in section 1001 is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1993 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102-25, as amended by section 1201.

SEC. 1204. RELATIONSHIP TO OTHER AUTHORIZATIONS.

The authorizations of appropriations in sections 1202 and 1203 are in addition to the amounts otherwise authorized to be appropriated to the Department of Defense for fiscal year 1992 and for fiscal year 1993 by any other provision of this Act or by any other Act enacted before the date of the enactment of this Act.

Subtitle B—Hurricane Andrew and Typhoon Omar

SEC. 1211. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $529,300,000 as follows:

(1) For Military Personnel:

(A) For the Navy, $10,700,000.

(B) For the Air Force, $58,200,000.

(C) For the Air Force Reserve, $8,800,000.

(D) For the Air National Guard, $1,900,000.

(2) For Operation and Maintenance:

(A) For the Army, $1,400,000.

(B) For the Navy, $142,900,000.

(C) For the Air Force, $228,000,000.

(D) For the Defense Agencies, $31,500,000.

(E) For the Army Reserve, $3,300,000.

(F) For the Air Force Reserve, $13,200,000.

(G) For the Army National Guard, $1,400,000.

(H) For the Air National Guard, $2,000,000.

(3) For Military Construction:

(A) For the Air Force inside the United States, $10,000,000.

(B) For the Air Force for family housing inside the United States, $16,000,000.

(b) AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $263,530,000 as follows:

(1) For military construction for the Navy outside the United States, $81,530,000.

(2) For military construction for the Air Force inside the United States, $66,000,000.

(3) For military construction for the Air Force outside the United States, $7,600,000.

(4) For family housing for the Navy outside the United States, $87,200,000.

(5) For family housing for the Air Force outside the United States, $21,200,000.

(c) EMERGENCY DESIGNATION.—The authorization of appropriations in subsection (b) are effective only to the extent that the appropriations are designated by the Congress as emergency appropriations for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 in an appropriations Act.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Burdensharing

SEC. 1301. OVERSEAS BASING ACTIVITIES.

(a) FUNDING REDUCTIONS.—(1)(A) The total amount appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500,000,000.

(B) For purposes of subparagraph (A), the baseline for fiscal year 1993 is the sum of the amounts of the overseas funding estimates specified for such year for Operation and Maintenance; Family Housing, Operations; Family Housing, Construction; and Military Construction (including NATO Infrastructure) set forth on page 8 of the report of the Department of Defense dated January 1992, and entitled "Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding".

(2) It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as—

(A) the number of United States military personnel stationed overseas is reduced in conformance with the provisions of section 1302 and the amendment made by section 1303; and

(B) the countries to which subsection (e)(1) and (e)(2) apply assume an increased share of the costs of United States military installations in those countries.

(b) DEFINITION.—In this section, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for operation and maintenance, including appropriations for family housing operations, and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(c) OFFSETS.—Reductions for purposes of subsection (a) in obligations of appropriated funds for overseas basing activities may be offset by either or a combination of the following:

(1) Increase in the level of host-nation support due to agreements reached under subsection (e) or otherwise.

(2) Accelerated withdrawal of United States forces or equipment under the provisions of section 1302 and the amendment made by section 1303.

(d) ALLOCATIONS OF SAVINGS.—The savings realized as a result of the reductions for purposes of subsection (a) will be allocated for operation and maintenance and military construction activities of the Department of Defense at military installations and facilities located inside the United States.

(e) DEFENSE BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into a revised host-nation agreement with each foreign country described in paragraph (3)(A).

(2) For purposes of paragraph (1), a revised host-nation agreement is an agreement under which such foreign country, on or before September 30, 1994—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the non-personnel costs of United States military installations in that country.

SEC. 1302. OVERSEAS MILITARY END STRENGTH.

(a) REDUCTION IN UNITED STATES FORCE LEVELS ABROAD.—On and after September 30, 1996, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992.

(b) EXCEPTIONS.—(1) Subsection (a) shall not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

(2) The President may waive the operation of subsection (a) if the President declares an emergency and immediately notifies Congress.

SEC. 1303. REDUCTION IN THE AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) REDUCED END STRENGTH.—Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "235,700" in the first sentence and all that follows and inserting in lieu thereof "100,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 1304. REPORTS ON OVERSEAS BASING.

(a) ANNUAL REPORT.—The Secretary of Defense shall, not later than March 31 of each year through 1997, submit to the Committees on Armed Services of the Senate and House of Rep-

resentatives, either separately or as part of another relevant report, a report that specifies—

(1) the stationing and basing plan for United States military forces outside the United States;

(2) the status of closures of United States military installations located outside the United States;

(3) the schedule for the negotiation of such closures;

(4) the potential savings to the United States resulting from such closures;

(5) the potential amount of receipts from residual value negotiations; and

(6) efforts and progress toward achieving host nation offsets under section 1301(e) and reduced end strength levels under section 1302.

(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—Whenever the Secretary of Defense enters into a basing agreement between the United States and a foreign country with respect to United States military forces outside the United States, the Secretary of Defense shall, in advance of the signing of the agreement, submit to the congressional defense committees a report on the Federal budget implications of the agreement.

SEC. 1305. BURDENSHARING CONTRIBUTIONS BY KUWAIT.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended in subsections (a) and (f) by inserting ", Kuwait," after "Japan".

(b) AVAILABILITY OF CONTRIBUTIONS.—Subsection (c) of such section is amended by striking out "in the country making the contributions".

(c) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.".

Subtitle B—Cooperative Agreements and Other Matters Concerning Allies

SEC. 1311. COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

(a) LIQUIDATION OF CREDITS AND LIABILITIES.—Section 2350c(a)(2) of title 10, United States Code, is amended by striking out all after "liquidated" and inserting in lieu thereof "as agreed upon by the parties. Liquidation shall be either by direct payment to the country that has provided the greater amount of transportation or by the providing of in-kind transportation services to that country. The liquidation shall occur on a regular basis, but not less often than once every 12 months.".

(b) COUNTRIES ELIGIBLE FOR COOPERATIVE AGREEMENTS.—Section 2350c(e)(1) of such title is amended by striking out "or New Zealand" and inserting in lieu thereof ", New Zealand, Japan, and the Republic of Korea".

SEC. 1312. COOPERATIVE AGREEMENTS WITH ALLIES.

(a) ACQUISITION OF LOGISTICS SUPPORT, SUPPLIES, AND SERVICES FROM ALLIES.—Section 2341 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "in Europe and adjacent waters" and inserting in lieu thereof "outside the United States"; and

(2) in paragraph (2)—

(A) by striking out "in which elements of the armed forces are deployed (or are to be deployed)"; and

(B) by striking out "in such country or in the military region in which such country is located" and inserting in lieu thereof "outside the United States".

(b) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)";

(2) in subsection (a)(2)—

(A) by striking out "in the military region affecting" and inserting in lieu thereof "involving the armed forces, the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with"; and

(B) by striking out "the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with such country";

(3) in subsection (b)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)"; and

(4) in subsection (b)(2)—

(A) by striking out "in the military region affecting a country referred to in paragraph (1)" and inserting in lieu thereof "involving the armed forces"; and

(B) by striking out "from such country (before the computation of offsetting balances)" and inserting in lieu thereof "(before the computation of offsetting balances) with a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more acquisition or cross-servicing agreements".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to acquisitions of logistics support, supplies, and services under chapter 138 of title 10, United States Code, that are initiated on or after the date of enactment of this Act.

SEC. 1313. AUTHORITY FOR GOVERNMENT OF OMAN TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended—

(1) by inserting "(1)" after "may transfer";

(2) by striking "structure and" and inserting "structure, (2)";

(3) by inserting "and (3) to those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or are in the Near East Region and received Foreign Military Financing (FMF) assistance in fiscal year 1991," after "southeastern flank of NATO which are eligible for United States security assistance,"; and

(4) by striking "and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,".

SEC. 1314. REPORT ON POSSIBLE REVISIONS TO THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—The Congress finds that—

(1) when the North Atlantic Treaty was signed in 1949, the clear military threat to the security of Western Europe was the Soviet Union and its allies in Eastern Europe;

(2) since 1949 it has been clearly understood by the people of the Western World that the primary mission of NATO was to deter an attack from the Soviet Bloc;

(3) the dramatic changes in Europe since the fall of the Berlin Wall in 1989, and the subsequent dissolution of the Warsaw Pact and the Soviet Union have fundamentally changed the security situation in Europe;

(4) one of the consequences of the breakdown of 40 years of Communist rule in Eastern Europe and the former Soviet Union has been ethnic conflict throughout the region, particularly in the Balkans and the Republics of the Former Soviet Union;

(5) those fundamental changes in the security threats facing NATO member nations have caused confusion concerning the mission of NATO in the post-cold war world and the role of NATO military forces outside of the NATO Theater, particularly in the former Soviet Union;

(6) if NATO is to continue to be relevant to the security interests of Western Europe and North America through the 1990's and beyond, the alliance's mission must be recrafted in order to enable it to address common transatlantic security concerns, including those beyond NATO's geographic boundaries; and

(7) a fundamental review of the North Atlantic Treaty is necessary, in light of the new security situation in Europe.

(b) REPORT.—Not later than April 1, 1993, the President shall submit to Congress a report on the North Atlantic Treaty of 1949. The report shall include—

(1) a detailed analysis of the forseeable threats to the security of NATO member nations;

(2) a determination whether the North Atlantic Treaty of 1949 should be revised to meet the future challenges to peace and security; and

(3) the extent to which the NATO charter permits the use of NATO forces for peacekeeping purposes, given the steadily increased use of military forces for such purposes, and the range of missions that should be considered for such peacekeeping to protect the interests of member nations

Subtitle C—Matters Relating to the Former Soviet Union and Eastern Europe

SEC. 1321. NUCLEAR WEAPONS REDUCTION.

(a) FINDINGS.—The Congress makes the following findings:

(1) On February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that "Russia and the United States do not regard each other as potential adversaries" and stated further that, "We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals".

(2) In the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to "facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery" as well as in Article VI of the Treaty, which states that "each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament".

(3) Carrying out a policy of seeking further significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled

for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs.

(4) The Strategic Arms Reduction Talks (START) Treaty and the agreement by the President of the United States and the President of the Russian Federation on June 17, 1992, to reduce the strategic nuclear arsenals of each country to a level between 3,000 and 3,500 weapons are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2).

(5) The current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago.

(6) It is in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country through multilateral agreements and other appropriate means.

(7) In a 1991 study, a committee of the National Academy of Sciences concluded that: "The appropriate new levels of nuclear weapons cannot be specified at this time, but it seems reasonable to the committee that U.S. strategic forces could in time be reduced to 1,000–2,000 nuclear warheads, provided that such a multilateral agreement included appropriate levels and verification measures for the other nations that possess nuclear weapons. This step would require successful implementation of our proposed post-START U.S.-Soviet reductions, related confidence-building measures in all the countries involved, and multilateral security cooperation in areas such as conventional force deployments and planning.".

(b) UNITED STATES POLICY.—It shall be the goal of the United States—

(1) to encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, as agreed upon in the Lisbon ministerial meeting of May 23, 1992;

(2) to rapidly complete and submit for ratification by the United States the treaty incorporating the agreement of June 17, 1992, between the United States and the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level between 3,000 and 3,500;

(3) to facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to implement agreed mutual reductions under the START Treaty, and under the Joint Understanding of June 16-17, 1992 between the United States and the Russian Federation, on an accelerated timetable, so that all such reductions can be completed by the year 2000;

(4) to build on the agreement reached in the Joint Understanding of June 16-17, 1992, by entering into multilateral negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China, and, at an appropriate point in that process, enter into negotiations with other nuclear armed states in order to reach subsequent stage-by-stage agreements to achieve further reductions in the number of nuclear weapons in all countries;

(5) to continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

(6) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, to initiate discussions to bring tactical nuclear weapons into the arms control process; and

(7) to ensure that the United States assistance to securely transport and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons is being properly and effectively utilized.

(c) ANNUAL REPORT.—By February 1 of each year, the President shall submit to the Congress a report on—

(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the goals set forth in paragraphs (1) through (6) of subsection (b); and

(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those goals.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.

SEC. 1322. VOLUNTEERS INVESTING IN PEACE AND SECURITY (VIPS) PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part II of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 89—VOLUNTEERS INVESTING IN PEACE AND SECURITY

"Sec.
"1801. Volunteer program to assist independent states of the former Soviet Union.
"1802. Participants in program.
"1803. Determining needs for volunteers; role of the Secretary of State.
"1804. Compensation and benefits.
"1805. Termination of program.

"§1801. Volunteer program to assist independent states of the former Soviet Union

"The Secretary of Defense may, in coordination with the Secretary of State, carry out a program in accordance with this chapter to provide technical assistance to address the infrastructure needs of the independent states of the former Soviet Union. Assistance under the program shall be provided by volunteers who are retired members of the armed forces, or who are former members of the armed forces, who have been recently released from active duty.

"§1802. Participants in program

"(a) If the Secretary of Defense carrys out a program under section 1801 of this title, the Secretary shall select the volunteers to participate in the program. Volunteers shall be selected from among individuals—

"(1) who have retired from active duty or been released from active duty under a voluntary separation program; and

"(2) who possess technical skills relevant to the infrastructure needs of the independent states of the former Soviet Union (as identified by the Secretary of State pursuant to section 1803(a) of this title), including skills in areas such as civil engineering, electrical engineering, nuclear plant safety, environmental cleanup, logistics, communications, and health care.

"(b) Volunteers may be selected from among individuals who were separated from active duty not more than two years before the date of the enactment of this chapter.

"(c)(1) The Secretary of Defense may employ volunteers, by contract, to provide services that use their technical skills for the benefit of governmental or nonprofit nongovernmental entities in any of the independent states of the former Soviet Union.

"(2) A person who is employed as a volunteer under paragraph (1) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of such employment as a volunteer.

"(d) Volunteers may be required to agree to serve in an independent state of the former Soviet Union for a period of two years (in addition to such period of education and training provided under section 1803(c) of this title) except to the extent the Secretary of State determines otherwise.

"(e) The Secretary of Defense shall prescribe procedures for the selection of volunteers, including procedures for the submission of applications.

"(f) The Secretary of Defense may maintain a registry of applicants who are qualified to be volunteers, including the skills of such applicants.

"§1803. Determining needs for volunteers; role of the Secretary of State

"(a) The Secretary of Defense, in consultation with the Secretary of State, may identify the technical skills that could be provided by volunteers pursuant to this chapter and identify opportunities for the placement of volunteers with governmental or nongovernmental entities in each participating country.

"(b) The Secretary of State shall approve the functions to be performed by each volunteer assigned pursuant to this chapter and the assignment of each volunteer to an independent state of the former Soviet Union.

"(c) The Secretary of State may provide volunteers with language training, cultural orientation, and such other education and training as the Secretary determines appropriate. Any expenses incurred by the Secretary of State in carrying out this subsection shall be reimbursed by the Secretary of Defense from amounts currently available to the Secretary of Defense.

"(d) Each volunteer shall serve under the authority of the United States chief of mission to the participating country and shall be considered to be a member of the United States mission to that country.

"§1804. Compensation and benefits

"(a) Each volunteer may be paid a stipend at the annual rate of $25,000, subject to the availability of appropriations.

"(b) If the Secretary of Defense determines that it is necessary to do so in order to recruit qualified volunteers, the Secretary may provide volunteers with the allowances and other benefits considered appropriate by the Secretary, including the following:

"(1) Round-trip transportation for the volunteer and his or her dependents.

"(2) Medical care for the volunteer and dependents, if the volunteer is not otherwise eligible for medical care from the Department of Defense or such medical care is otherwise not reasonably available.

"(3) A housing allowance.

"(4) An overseas cost-of-living allowance.

"(5) Expenses of education of dependents.

"§1805. Termination of program

"The selection of volunteers to participate in the program under this chapter shall terminate on September 30, 1995.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"89. Volunteers Investing in Peace and Security ..... 1801".

(b) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense shall reimburse other departments and agencies for all costs, direct or indirect, of participation in the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(c) STUDY TO DETERMINE PROGRAM NEED AND AVAILABILITY OF VOLUNTEERS.—The Secretary

of Defense shall conduct a study to assess the need for the program under chapter 89 of title 10, United States Code, as added by subsection (a), and the availability of volunteers to participate in that program. The Secretary shall—

(1) in consultation with the Secretary of State, conduct a survey, of a scope considered necessary by the Secretary, to determine what technical skills may be required within the independent states of the former Soviet Union and the degree of need for these skills;

(2) determine the potential availability of former service members who are qualified in the required technical skills in a manner and of a duration considered necessary by the Secretary; and

(3) maintain a registry of the skills and former service members who volunteer to participate during the study required in paragraphs (1) and (2).

(d) EFFECTIVE DATE.—Chapter 89 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

Subtitle D—Matters Relating to the Middle East and Persian Gulf Region

SEC. 1331. REPORT ON THE UNITED STATES STRATEGIC POSTURE IN THE MIDDLE EAST AND PERSIAN GULF REGION.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 1993, the Secretary of Defense, together with the Secretary of State and the Director for Central Intelligence, shall submit to Congress a report on the United States strategic posture in the Middle East and Persian Gulf region.

(b) CONTENT OF REPORT.—The report shall include an assessment of the following matters:

(1) The adequacy of United States power projection forces, strategic lift, forward deployed forces, prepositioned materiel, and force sustainability capabilities for protecting United States strategic interests in the Middle East and the Persian Gulf region in order to ensure the security needs of Israel, Egypt, and Persian Gulf states friendly to the United States.

(2) United States policy, plans, and programs for ensuring Israel's military and technological superiority over potential threats.

(3) United States capabilities for assisting Israel in a military emergency and the adequacy of United States military assistance and technology transfer for ensuring that Israel has the capability to deter war and to defend its territory with minimal risk and loss of life.

(4) The state of strategic cooperation between the United States and Israel, including—

(A) a thorough assessment of options for prepositioning in Israel appropriate defense articles for use by the United States in the region; and

(B) an assessment of United States policies, plans, and programs for ensuring that maximum advantage is taken of Israel's strategic location and Israel's ability to provide unique options regarding military technologies and production.

(5) The adequacy of United States power projection forces, military assistance, arms transfers, and cooperation arrangements for addressing Egypt's security arrangements to deter outside threats and to participate in regional security efforts with the United States and other nations.

(6) The adequacy of United States power projection forces, military assistance, and arms transfers for addressing the security requirements of the Gulf Cooperation Council States.

(7) The adequacy of the capabilities of the United States and countries friendly to the United States for deterring and defending against long-range missile threats and the use of weapons of mass destruction in the Middle East and the Persian Gulf region.

(c) INTELLIGENCE ASSESSMENT.—As part of the report submitted pursuant to subsection (a), the Secretary of Defense shall provide a military threat assessment for the Middle East and Persian Gulf region. The intelligence assessment shall include a description of—

(1) the overall military threat to United States strategic interests in the Persian Gulf region;

(2) the overall military threat to Israel and the military threats to Israel from individual countries, including an assessment of the Arab-Israeli military balance and a discussion of the changes taking place in that balance;

(3) the military threats to Egypt;

(4) the military threats to the Gulf Cooperation Council States; and

(5) the threats to United States interests and to regional States friendly to the United States that result from the proliferation of long-range missiles and weapons of mass destruction.

(d) FORM OF REPORT.—The report may be submitted in classified and unclassified forms.

SEC. 1332. PROHIBITION ON CONTRACTING WITH ENTITIES THAT COMPLY WITH THE SECONDARY ARAB BOYCOTT OF ISRAEL.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new section:

"§2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel

"(a) POLICY.—Under section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

"(b) PROHIBITION.—(1) Consistent with the policy referred to in subsection (a), the Department of Defense may not award a contract for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))) to a foreign entity unless that entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

"(2) In paragraph (1), the term "foreign entity" means a foreign person, a foreign company, or any other foreign entity.

"(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (b) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each fiscal year, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this subsection during that fiscal year.

"(d) EXCEPTIONS.—Subsection (b) does not apply—

"(1) to contracts for consumable supplies, provisions, or services that are intended to be used for the support of United States forces or of allied forces in a foreign country; or

"(2) to contracts pertaining to the use of any equipment, technology, data, or services for intelligence or classified purposes by the United States Government in the interests of national security or to the acquisition or lease of any such equipment, technology, data, or services by the United States Government in the interests of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new item:

"2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel.".

Subtitle E—International Peacekeeping Activities

SEC. 1341. UNITED NATIONS PEACEKEEPING AND ENFORCEMENT REPORT.

(a) REPORT REQUESTED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1994 under section 1105 of title 31, United States Code, the President shall transmit to Congress a report on the proposals of the Secretary General of the United Nations contained in his report to the Security Council entitled "Preventive Diplomacy, Peacemaking and Peacekeeping", dated June 19, 1992.

(b) CONTENT OF PRESIDENT'S REPORT.—The President's report shall contain a comprehensive analysis and discussion of the proposals of the Secretary General, including, in particular, the following:

(1) The proposal that contributions for peacekeeping and related enforcement activities be funded out of the National Defense function of the budget rather than the "Contributions to International Peacekeeping Activities" account of the Department of State.

(2) The assignment of responsibilities within the Executive branch if such contributions are funded, in whole or in part, out of the National Defense function.

(3) The proposal that the United States and other member states of the United Nations negotiate special agreements under Article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the Security Council of the United Nations for the purposes stated in Article 42 of that Charter, not only on an ad hoc basis but on a permanent on-call basis for rapid deployment under Security Council authorization.

(4) The proposal that member states of the United Nations commit to keep equipment specified by the Secretary General available for immediate sale, loan, or donation to the United Nations when required.

(5) The proposal that member states of the United Nations make airlift and sealift capacity available to the United Nations free of cost or at lower than commercial rates.

(6) Such other information as may be necessary to inform Congress on matters relating to the Secretary General's proposals.

SEC. 1342. SUPPORT FOR PEACEKEEPING ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

(2) International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and other civil and administrative systems of government.

(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

(4) International peacekeeping activities serve both the foreign policy interests and defense policy interests of the United States.

(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities.

(b) AUTHORIZED SUPPORT FOR FISCAL YEAR 1993.—(1) Subject to paragraph (2), the Sec-

retary may provide assistance for international peacekeeping activities during fiscal year 1993 in an amount not to exceed $300,000,000 in accordance with section 403 of title 10, United States Code, as added by subsection (c). Notwithstanding subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1993 for operation and maintenance or from balances in working capital accounts.

(2) No amount may be obligated pursuant to paragraph (1) unless the expenditure of such amount has been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) AUTHORIZATION.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§403. International peacekeeping activities

"(a) AUTHORITY.—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

"(b) FORMS OF ASSISTANCE.—Assistance provided under subsection (a) may include funds, supplies, services, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

"(c) LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

"(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of costs for international peacekeeping activities, as determined by the President; and

"(2) only to the extent that such funds are required to meet unexpected and urgent requirements; and

"(3) only to the extent that the United States' fair share of such costs exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

"(d) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

"(e) DETERMINATIONS REQUIRED.—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(f) ADVANCE NOTICE TO CONGRESS.—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

"(1) specify the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

"(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

"(3) include the certification required by subsection (e).

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.

"(h) TERMINATION.—The authority of the Secretary of Defense to furnish assistance under subsection (a) shall expire on September 30, 1993.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"403. International peacekeeping activities.".

Subtitle F—Overseas Operation and Maintenance Activities

SEC. 1351. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES.

(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.

SEC. 1352. FOREIGN SEVERANCE COSTS.

(a) REPEAL OF LIMITATION ON PROHIBITION OF PAYMENT OF CERTAIN FOREIGN SEVERANCE COSTS.—Section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1412) is repealed.

(b) REVISION OF RULES CONCERNING SEVERANCE PAY FOR FOREIGN NATIONALS.—Section 2324(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Pursuant to regulations prescribed by the Secretary and subject to the availability of appropriations, the head of an agency awarding a covered contract (other than a contract to which paragraph (2) applies) may waive the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the head of the agency determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for members of the armed forces stationed or deployed outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) The head of an agency shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the head of the agency will consider granting such a waiver, and, if the agency head will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) The head of an agency shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to covered contracts (as defined in section 2324 of title 10, United States Code) that are in effect or are entered into on or after October 1, 1991, for costs incurred on or after October 1, 1991.

SEC. 1353. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700; 10 U.S.C. 2341 note) is amended by striking out "fiscal year 1991 or 1992" and inserting in lieu thereof "fiscal year 1991, 1992, or 1993".

Subtitle G—Other Matters

SEC. 1361. STUDY OF PROVIDING FORWARD PRESENCE OF NAVAL FORCES DURING PEACETIME.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of options for providing forward presence of naval forces during peacetime. The analysis shall include an evaluation of the following considerations:

(1) The requirements of the commanders of the combatant commands for providing naval forces for forward peacetime presence.

(2) The capacity of alternative groups of naval forces, including aircraft carriers, large amphibious ships, and large surface combatants, to fulfill the forward presence mission.

(3) Potential locations and associated costs for homeporting additional aircraft carriers or other naval forces overseas.

(4) Estimated operations cost differentials for supporting forward naval operations.

(5) Estimated investment cost differentials for supporting forward naval operations.

(6) Potential availability of facilities for supporting forward naval operations.

(7) Potential host nation support or other offset contributions.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the analysis required by subsection (a).

SEC. 1362. PERMANENT AUTHORITY TO PAY CERTAIN EXPENSES OF PERSONNEL OF DEVELOPING COUNTRIES FOR ATTENDANCE AT BILATERAL OR REGIONAL COOPERATION CONFERENCES.

Subsection (e) of section 1051 of title 10, United States Code, is repealed.

SEC. 1363. REPORT ON PROLIFERATION OF MILITARY-BASED SATELLITES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the foreign development of, acquisition of, or access to satellites with capabilities for military applications and the implications of such development, acquisition, or access for the United States. The report shall include the following:

(1) A description of the current military satellite capability of Third World countries and other countries, including the projected threat posed by such capabilities to the United States in the future.

(2) A description of the current and planned efforts by the United States to develop an antisatellite capability to counter the global proliferation of satellites with capability for military applications.

(3) A review of other measures that the United States might use to counter the proliferation of such satellites.

(4) An assessment of the likelihood of any Third World country capable of ownership or control of satellites with capabilities for military applications of being able to obtain or develop an effective antisatellite capability.

(5) An assessment of the military requirement of the United States for antisatellite capabilities and a description of the existing management structure in the Government for the coordination of United States antisatellite programs.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1364. REPORT ON INTERNATIONAL MINE CLEARING EFFORTS IN REFUGEE SITUATIONS.

(a) FINDINGS.—The Congress finds that—

(1) an estimated 10–20 million mines are scattered across Cambodia, Afghanistan, Somalia, Angola, and other countries which have experienced conflict; and

(2) refugee repatriation and other humanitarian programs are being seriously hampered by the widespread use of anti-personnel mines in regional conflicts and civil wars.

(b) REPORT.—(1) The President shall provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

(2) The report shall include the following:

(A) An assessment of mine clearing needs in countries to which refugees and displaced persons are now returning, or are likely to return within the near future, including Cambodia, Angola, Afghanistan, Somalia and Mozambique, and an assessment of current international efforts to meet the mine clearing needs in the countries covered by the report.

(B) An analysis of the specific types of mines in the individual countries assessed and the availability of technology and assets within the international community for their removal.

(C) An assessment of what additional technologies and assets would be required to complete, expedite or reduce the costs of mine clearing efforts.

(D) An evaluation of the availability of technologies and assets within the United States Government which, if called upon, could be employed to augment or complete mine clearing efforts in the countries covered by the report.

(E) An evaluation of the desirability, feasibility and potential cost of United States assistance on either a unilateral or multilateral basis in such mine clearing operations.

(3) The report shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 1365. LANDMINE EXPORT MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In Afghanistan, Cambodia, Laos, Vietnam, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated hundreds of thousands of people have been maimed and killed by landmines during the 14-year civil war. In Cambodia, more than 20,000 civilians have lost limbs and another 60 are being maimed each month from landmines.

(3) Over 35 countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of anti-personnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of 13,156 anti-personnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The President should submit the convention to the Senate for its advice and consent to ratification, and the President should actively negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines. Such an agreement or modification would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

(c) STATEMENT OF POLICY.—(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer, or export, and further limiting the use, production, possession, and deployment of anti-personnel landmines.

(2) It is the sense of the Congress that the President should actively seek to negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer, or export of anti-personnel landmines.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of one year beginning on the date of the enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

Subtitle A—Short Title

SEC. 1401. SHORT TITLE.

This title may be cited as the "Former Soviet Union Demilitarization Act of 1992".

Subtitle B—Findings and Program Authority

SEC. 1411. DEMILITARIZATION OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapons capabilities;

(B) the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the demilitarization of the massive defense-related industry and equipment of the independent states of the former Soviet Union and conversion of such industry and equipment to civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states of the former Soviet Union.

SEC. 1412. AUTHORITY FOR PROGRAMS TO FACILITATE DEMILITARIZATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized, in accordance with this title, to establish and conduct programs described in subsection (b) to assist the demilitarization of the independent states of the former Soviet Union.

(b) TYPES OF PROGRAMS.—The programs referred to in subsection (a) are limited to—

(1) transporting, storing, safeguarding, and destroying nuclear, chemical, and other weapons of the independent states of the former Soviet Union, as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(2) establishing verifiable safeguards against the proliferation of such weapons and their components;

(3) preventing diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries;

(4) facilitating the demilitarization of the defense industries of the former Soviet Union and the conversion of military technologies and capabilities into civilian activities;

(5) establishing science and technology centers in the independent states of the former Soviet Union for the purpose of engaging weapons scientists, engineers, and other experts previously involved with nuclear, chemical, and other weapons in productive, nonmilitary undertakings; and

(6) expanding military-to-military contacts between the United States and the independent states of the former Soviet Union.

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—United States assistance authorized by subsection (a) may not be provided unless the President certifies to the Congress, on an annual basis, that the proposed recipient country is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such recipient has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons;

(4) facilitating United States verification of any weapons destruction carried out under this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(5) complying with all relevant arms control agreements; and

(6) observing internationally recognized human rights, including the protection of minorities.

Subtitle C—Administrative and Funding Authorities

SEC. 1421. ADMINISTRATION OF DEMILITARIZATION PROGRAMS.

(a) FUNDING.—(1) In recognition of the direct contributions to the national security interests of the United States of the activities specified in section 1412, funds transferred under sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) are authorized to be made available to carry out this title. Of the amount available to carry out this title—

(A) not more than $40,000,000 may be made available for programs referred to in section 1412(b)(4) relating to demilitarization of defense industries;

(B) not more than $15,000,000 may be made available for programs referred to in section 1412(b)(6) relating to military-to-military contacts;

(C) not more than $25,000,000 may be made available for joint research development programs pursuant to section 1441;

(D) not more than $10,000,000 may be made available for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region;

(E) not more than $25,000,000 may be made available for Project PEACE; and

(F) not more than $10,000,000 may be made available for the Volunteers Investing in Peace and Security (VIPS) program under chapter 89 of title 10, United States Code, as added by section 1322.

(2) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1695) is amended—

(A) by striking out "fiscal year 1992" and inserting "fiscal years 1992 and 1993"; and

(B) by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(3) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102–228 (105 Stat. 1696)"; and

(B) by striking "of H.R. 3807".

Subtitle D—Reporting Requirements

SEC. 1431. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) IN GENERAL.—Not less than 15 days before obligating any funds made available for a program under this title, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under this title for which the President plans to obligate such funds, including the projected involvement of United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1432. QUARTERLY REPORTS ON PROGRAMS.

Not later than 30 days after the end of the last fiscal year quarter of fiscal year 1992 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1993, the President shall transmit to the Congress a report on the activities carried out under this title. Each such report shall set forth, for the preceding fiscal year quarter and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies and the United States private sector in such activities.

(4) A description of the activities carried out under this title and the forms of assistance provided under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this title.

Subtitle E—Joint Research and Development Programs

SEC. 1441. PROGRAMS WITH STATES OF FORMER SOVIET UNION.

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 511 of the FREEDOM Support Act of 1992. To that end, the Secretary of Defense may spend those funds authorized in section 1421(a)(1)(C) for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

TITLE XV—NONPROLIFERATION

SEC. 1501. SHORT TITLE.

This title may be cited as the "Weapons of Mass Destruction Control Act of 1992".

SEC. 1502. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation (A) of nuclear, biological, and chemical weapons (hereinafter in this title referred to as "weapons of mass destruction") and related technology and knowledge and (B) of missile delivery systems remains one of the most serious threats to international peace and the national security of the United States in the post-cold war era;

(2) the proliferation of nuclear weapons, given the extraordinary lethality of those weapons, is of particularly serious concern;

(3) the nonproliferation policy of the United States should continue to seek to limit both the supply of and demand for weapons of mass destruction and to reduce the existing threat from proliferation of such weapons;

(4) substantial funding of nonproliferation activities by the United States is essential to controlling the proliferation of all weapons of mass destruction, especially nuclear weapons and missile delivery systems;

(5) the President's nonproliferation policy statement of June 1992, and his September 10, 1992, initiative to increase funding for nonproliferation activities in the Department of Energy are praiseworthy;

(6) the Congress is committed to cooperating with the President in carrying out an effective policy designed to control the proliferation of weapons of mass destruction;

(7) the President should identify a full range of appropriate, high priority nonproliferation activities that can be undertaken by the United States and should include requests for full funding for those activities in the budget submission for fiscal year 1994;

(8) the Department of Defense and the Department of Energy have unique expertise that can further enhance the effectiveness of international nonproliferation activities;

(9) under the guidance of the President, the Secretary of Defense and the Secretary of Energy should continue to actively assist in United States nonproliferation activities and in formulating and executing United States nonproliferation policy, emphasizing activities such as improved capabilities (A) to detect and monitor proliferation, (B) to respond to terrorism, theft, and accidents involving weapons of mass destruction, and (C) to assist with interdiction and destruction of weapons of mass destruction and related weapons material; and

(10) in a manner consistent with United States nonproliferation policy, the Department of Defense and the Department of Energy should continue to maintain and to improve their capabilities to identify, monitor, and respond to proliferation of weapons of mass destruction and missile delivery systems.

SEC. 1503. REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NONPROLIFERATION ACTIVITIES.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (d)(1) a report describing the role of the Department of Defense and the Department of Energy with respect to the nonproliferation policy of the United States.

(b) MATTERS TO BE COVERED IN REPORT.—The report shall—

(1) address how the Secretary of Defense integrates and coordinates existing intelligence and military capabilities of the Department of Defense and how the Secretary of Energy integrates and coordinates the intelligence and emergency response capabilities of the Department of Energy in support of the nonproliferation policy of the United States;

(2) identify existing and planned capabilities within the Department of Defense, including particular capabilities of the military services, and the Department of Energy to (A) detect and monitor clandestine weapons of mass destruction programs, (B) respond to terrorism or accidents involving such weapons and to theft of related weapons materials, and (C) assist with interdiction and destruction of weapons of mass destruction and related weapons materials;

(3) describe, for the Department of Defense, the degree to which the Secretary of Defense has incorporated a nonproliferation mission into the overall mission of the unified combatant commands and how the Special Operations Command might support the commanders of the unified and specified commands in that mission;

(4) consider the appropriate roles of the Defense Advance Research Projects Agency (DARPA), the Defense Nuclear Agency (DNA), the On-Site-Inspection Agency (OSIA), and other Department of Defense agencies, as well as the national laboratories of the Department of Energy, in providing technical assistance and support for the efforts of the Department of Defense and the Department of Energy with respect to nonproliferation; and

(5) identify existing and planned mechanisms for improving the integration of Department of Defense and Department of Energy nonproliferation activities with those of other Federal departments and agencies.

(c) COORDINATION WITH OTHER AGENCIES.—The report required by subsection (a) shall, for purposes of subsection (b)(5), be coordinated with the heads of other appropriate departments and agencies.

(d) SUBMISSION OF REPORT.—(1) The report required by subsection (a) shall be submitted—

(A) to the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) to the Committees on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(2) The report shall be submitted not later than 180 days after the date of enactment of this Act and shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1504. NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) FUNDS FOR DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) Of the amount appropriated pursuant to section 103(3) for Other Procurement, Air Force, $5,000,000 shall be available for the AFTAC Chem/Biological Collection/Processing program.

(2) Of the amount appropriated pursuant to section 201(3) for Research, Development, Test, and Evaluation, Air Force, $6,500,000 shall be available for the Joint Seismic Program.

(3) Of the amount appropriated pursuant to section 201(4) for Research, Development, Test, and Evaluation, Defense Agencies—

(A) $11,600,000 shall be available for LIDAR,

(B) $5,000,000 shall be available for Seismic programs of the Defense Advanced Research Projects Agency, and

(C) $15,000,000 shall be available for Nuclear Proliferation Detection Technology programs of the Defense Advanced Research Projects Agency.

(b) FUNDS FOR DEPARTMENT OF ENERGY ACTIVITIES.—Of the amount appropriated pursuant to section 3104(a)(2) for Verification and Control Technologies, $86,000,000 shall be available for nuclear nonproliferation detection technologies and activities. Of such amount, not more than $30,000,000 may be obligated until the report required by section 1503 is submitted.

SEC. 1505. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) FORM OF ASSISTANCE.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

TITLE XVI—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

SEC. 1601. SHORT TITLE.

This title may be cited as the "Iran-Iraq Arms Non-Proliferation Act of 1992".

SEC. 1602. UNITED STATES POLICY.

(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

(b) SANCTIONS.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, chapter 7 of the Arms Export Control Act, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

(2) The President should also urgently seek the agreement of other nations to adopt and in-

stitute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

SEC. 1603. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101-513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

SEC. 1604. SANCTIONS AGAINST CERTAIN PERSONS.

(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then the sanctions described in subsection (b) shall be imposed.

(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a) are as follows:

(1) PROCUREMENT SANCTION.—For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(2) EXPORT SANCTION.—For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned person.

SEC. 1605. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(a) PROHIBITION.—If the President determines that the government of any foreign country transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed on such country; and

(2) in addition, the President may apply, in the discretion of the President, the sanction described in subsection (c).

(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of one year, United States assistance to the sanctioned country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of one year.

(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is as follows:

(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Except as provided in paragraph (2), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to urgent humanitarian assistance.

SEC. 1606. WAIVER.

The President may waive the requirement to impose a sanction described in section 1603, in the case of Iran, or a sanction described in section 1604(b) or 1605(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority. Any such report shall provide a specific and detailed rationale for such determination.

SEC. 1607. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and every 12 months thereafter, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report detailing—

(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.

(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

(1) identifying the person or government and providing the details of the transfer; and

(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

SEC. 1608. DEFINITIONS.

For purposes of this title:

(1) The term "advanced conventional weapons" includes—

(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title.

(2) The term "cruise missile" means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag.

(3) The term "goods or technology" means—

(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

(4) The term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries.

(5) The term "sanctioned country" means a country against which sanctions are required to be imposed pursuant to section 1605.

(6) The term "sanctioned person" means a person that makes a transfer described in section 1604(a).

(7) The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) urgent humanitarian assistance or medicine, and

(ii) assistance under chapter 11 of part I (as enacted by the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992);

(B) sales and assistance under the Arms Export Control Act;

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

(D) financing under the Export-Import Bank Act.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

SEC. 1701. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1702. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking haz-

ardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1703. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1704. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c).

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1708(a).

SEC. 1705. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSING OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) ASSISTANCE TO SUPPORT DEMOCRACY IN CUBA.—The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

SEC. 1706. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be ex-

ported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1707. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1708. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1706 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

SEC. 1709. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1705(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1710. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by striking "That whoever" and inserting "(a) Whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title.

SEC. 1711. DEFINITION.

As used in this title, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1712. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

Subtitle A—Military Order of the World Wars

SEC. 1801. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

SEC. 1802. POWERS.

The Military Order of the World Wars (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1803. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Promoting military service associations.

(2) Promoting patriotic education and military, naval, and air science.

(3) Defending the honor and integrity of the Federal Government and the Constitution.

(4) Fostering fraternal relations among all branches of the Armed Forces.

(5) Encouraging the adoption of a suitable policy of national security.

(6) Encouraging the commemoration of military service and the establishment of war memorials.

SEC. 1804. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1805. MEMBERSHIP.

Except as provided in section 1808, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1806. BOARD OF DIRECTORS.

Except as provided in section 1808, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1807. OFFICERS OF CORPORATION.

Except as provided in section 1808, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1808. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1809. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1810. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1811. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1812. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(75) The Military Order of the World Wars.".

SEC. 1813. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1812. The report shall not be printed as a public document.

SEC. 1814. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1815. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1816. TERMINATION.

The charter granted by this subtitle shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this subtitle;

(2) any provision of its bylaws or articles of incorporation; or

(3) any provision of the laws of the District of Columbia that apply to corporations such as the corporation recognized under this subtitle.

SEC. 1817. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

Subtitle B—Retired Enlisted Association, Incorporated

SEC. 1821. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Retired Enlisted Association, Incorporated, a nonprofit corporation organized under the laws of the State of Colorado, is recognized as such and is granted a Federal charter.

SEC. 1822. POWERS.

The Retired Enlisted Association, Incorporated (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1823. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs.

(3) Assisting veterans and their dependents and survivors through a service program established for that purpose.

(4) Improving conditions for retired enlisted service members, veterans, and their dependents and survivors.

(5) Fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

SEC. 1824. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1825. MEMBERSHIP.

Except as provided in section 1828, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1826. BOARD OF DIRECTORS.

Except as provided in section 1828, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1827. OFFICERS OF CORPORATION.

Except as provided in section 1828, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1828. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of the directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age or national origin.

SEC. 1829. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1830. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1831. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1832. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101), as amended by section 1812 of this Act, is further amended by adding at the end the following:

"(76) The Retired Enlisted Association, Incorporated.".

SEC. 1833. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1832. The report shall not be printed as a public document.

SEC. 1834. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1835. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1836. EXCLUSIVE RIGHTS TO NAMES.

The corporation shall have the sole and exclusive right to use the names "The Retired Enlisted Association, Incorporated", "The Retired Enlisted Association", "Retired Enlisted Association", and "TREA", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before the date of the enactment of this Act.

SEC. 1837. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this subtitle, the charter granted by this subtitle shall expire.

SEC. 1838. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), and, in the case of the project described in sec-

tion 2105(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$105,300,000
	Fort McClellan	$10,100,000
Alaska	Fort Wainwright	$3,950,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Colorado	Fitzsimons Army Medical Center	$25,400,000
Georgia	Fort Gillem	$2,700,000
	Fort Gordon	$23,000,000
	Fort McPherson	$10,200,000
	Hunter Army Airfield	$5,400,000
Hawaii	Schofield Barracks	$23,300,000
Kansas	Fort Riley	$13,200,000
Kentucky	Fort Knox	$15,600,000
Louisiana	Fort Polk	$7,400,000
Maryland	Aberdeen Proving Ground	$3,400,000
New Jersey	Fort Monmouth	$3,550,000
	Picatinny Arsenal	$6,050,000
New Mexico	White Sands Missile Range	$6,000,000
New York	Fort Drum	$21,500,000
	United States Military Academy, West Point	$1,600,000
North Carolina	Fort Bragg	$8,700,000
Oklahoma	Fort Sill	$1,500,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Corpus Christi Army Depot	$21,200,000
	Fort Bliss	$24,960,000
	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Belvoir	$1,200,000
	Fort Pickett	$5,800,000
CONUS Classified	Classified Location	$2,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
OCONUS Classified	Classified Locations	$1,700,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	$23,000,000
Kentucky	Fort Campbell	96 units	$8,200,000
Texas	Fort Hood	227 units	$25,000,000
Virginia	Fort Pickett	26 units	$2,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $8,940,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $92,600,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(3), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Pohakaloa Training Area, Hawaii, in the total amount of $2,400,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,127,397,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $338,860,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $13,300,000.

(3) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,400,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $3,800,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $160,040,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,363,697,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount—

(1) authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $95,300,000 (the balance of the amount authorized under section 2101(a) of the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama).

SEC. 2106. INCREASE IN LIMITATION ON LEASING OF MILITARY FAMILY HOUSING WORLDWIDE BY THE DEPARTMENT OF THE ARMY.

Section 2105(a)(6)(B) the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1512) is amended by striking out "$360,783,000" and inserting in lieu thereof "$395,783,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station	$680,000
	Mare Island Naval Shipyard	$8,000,000
	Miramar Naval Air Station	$9,700,000
	Port Hueneme, Naval Construction Battalion Center	$14,300,000
	Seal Beach, Naval Weapons Station	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$4,600,000
Connecticut	New London, Naval Submarine Base	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia	Albany, Marine Corps Logistics Base	$6,800,000
Hawaii	Barking Sands, Pacific Missile Range Facility	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	$1,400,000
	Pearl Harbor, Naval Supply Center	$6,700,000
	Pearl Harbor, Navy Public Works Center	$24,900,000
Indiana	Crane, Naval Surface Warfare Center	$6,000,000
Maryland	Annapolis, United States Naval Academy, Annapolis	$11,000,000
	Indian Head, Naval Ordnance Station	$7,890,000
	Patuxent River Naval Warfare Center, Aircraft Division	$60,990,000
Mississippi	Gulfport, Naval Construction Battalion Center	$4,650,000
	Meridian Naval Air Station	$1,100,000
North Carolina	New River Marine Corps Air Station	$3,600,000
	Cherry Point, Marine Corps Air Station	$4,680,000
Rhode Island	Newport, Naval Education and Training Center	$540,000
South Carolina	Charleston, Naval Weapons Station	$1,110,000
Tennessee	Memphis, Naval Air Station	$14,110,000
Texas	Corpus Christi, Naval Air Station	$4,900,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Kingsville, Naval Air Station	$20,120,000
Virginia	Damneck, Fleet Combat Training Center	$19,427,000
	Little Creek, Naval Amphibious Station	$8,000,000
	Norfolk, Naval Air Station	$3,100,000
	Norfolk, Naval Station	$880,000
	Norfolk, Naval Station, Fort Story Annex	$5,650,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station	$3,190,000
	Quantico Combat Development Center	$5,000,000
	Yorktown, Naval Weapons Station	$1,100,000
Washington	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	$1,200,000
	Everett, Naval Station	$5,600,000
	Puget Sound Naval Station	$13,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	$7,600,000
Various Locations	Host Nation Infrastructure Support	$3,000,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	300 units	$30,600,000
	San Diego Navy Public Works Center	300 units	$30,400,000
Connecticut	New London, Naval Submarine Base	100 units	$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility	13 units	$2,330,000
	Oahu, Naval Complex	758 units	$117,180,000
New Jersey	Earle, Naval Weapons Station	Community Center	$1,100,000
Virginia	Norfolk, Naval Station	Demolition and Site Preparation	$7,000,000
Washington	Bangor/Bremerton Naval Complex	200 units	$19,500,000
	Kitsap County	200 units	$19,500,000
West Virginia.	Sugar Grove Naval Radio Station	8 units	$930,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $14,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $130,844,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,450,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $312,557,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $10,600,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,692,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $385,434,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $661,246,000, of which not more than $104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $50,990,000 (the balance of the amount authorized under section 2201(a) for the construction of the Large Anachoic Chamber Facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland).

SEC. 2205. POWER PLANT RELOCATION, NAVY PUBLIC WORKS CENTER, GUAM.

Section 2201(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2097) is amended—

(1) in the matter under the heading "GUAM" by striking out the item relating to the Navy Public Works Center and inserting in lieu thereof the following:

"Navy Public Works Center, $34,490,000."; and

(2) in the matter under the heading "PHILIPPINES" by striking out the item relating to the Navy Public Works Center, Subic Bay, and inserting in lieu thereof the following:

"Navy Public Works Center, Subic Bay, $570,000.".

SEC. 2206. REVISED AUTHORIZATIONS FOR CERTAIN MARINE CORPS PROJECTS.

(a) REVISED AUTHORIZATION.—Section 2201(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2095) is amended in the matter under the heading "NORTH CAROLINA" by striking out the items relating to Marine Corps Air Station, Cherry Point, and inserting in lieu thereof the following:

"Marine Corps Air Station, Cherry Point, $24,100,000.".

(b) CONFORMING AMENDMENTS.—Section 2205(a) of such Act (102 Stat. 2099) is amended—

(1) by striking out "$2,369,875,000" and inserting in lieu thereof "$2,361,555,000"; and

(2) in paragraph (1), by striking out "$1,296,450,000" and inserting in lieu thereof "$1,288,770,000".

SEC. 2207. DEFENSE ACCESS ROADS, NAVAL STATION PASCAGOULA, MISSISSIPPI.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1519), the Secretary of the Navy shall expend such amounts as the Secretary determines necessary for planning and design for defense access roads that are critical for access to Naval Station Pascagoula, Mississippi, as determined by the Secretary of the Navy.

SEC. 2208. MILITARY FAMILY HOUSING, NAVAL AIR STATION WHIDBEY ISLAND, WASHINGTON.

The Secretary of the Navy shall include in the budget request for the Navy for fiscal year 1994 a request for funds for the design of 300 family housing units at Naval Air Station Whidbey Island, Washington.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the projects described in paragraphs (2), (3), and (4) of section 2304(b), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base	$960,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Maxwell Air Force Base	$20,600,000
Alaska	Clear Air Force Station	$2,250,000
	Eielson Air Force Base	$40,950,000
	Elmendorf Air Force Base	$22,550,000
	Galena Airport	$4,850,000
	King Salmon Airport	$6,400,000
	Shemya Air Force Base	$3,350,000
Arizona	Libby Army Air Field	$15,300,000
	Davis Monthan Air Force Base	$3,500,000
	Luke Air Force Base	$2,950,000
	Navajo Army Depot	$3,900,000
Arkansas	Little Rock Air Force Base	$3,860,000
California	Beale Air Force Base	$5,600,000
	Edwards Air Force Base	$24,500,000
	March Air Force Base	$2,250,000
	McClellan Air Force Base	$9,900,000
	Travis Air Force Base	$11,680,000
	Vandenberg Air Force Base	$26,250,000
Colorado	Peterson Air Force Base	$3,500,000
	United States Air Force Academy	$4,260,000
Delaware	Dover Air Force Base	$21,260,000
District of Columbia	Bolling Air Force Base	$9,400,000
Florida	Cape Canaveral Air Force Station	$40,800,000
	Eglin Air Force Base	$65,680,000
	Patrick Air Force Base	$7,700,000
Georgia	Moody Air Force Base	$4,380,000
	Robins Air Force Base	$11,500,000
Illinois	Scott Air Force Base	$960,000
Kansas	McConnell Air Force Base	$960,000
Louisiana	Barksdale Air Force Base	$28,320,000
Maryland	Andrews Air Force Base	$820,000
Massachusetts	Hanscom Air Force Base	$4,200,000
Mississippi	Keesler Air Force Base	$13,240,000
Missouri	Whiteman Air Force Base	$62,270,000
Montana	Malmstrom Air Force Base	$1,100,000
Nebraska	Offutt Air Force Base	$6,190,000
Nevada	Nellis Air Force Base	$10,930,000
New Jersey	McGuire Air Force Base	$8,970,000
New Mexico	Cannon Air Force Base	$2,800,000
	Holloman Air Force Base	$11,420,000
North Carolina	Pope Air Force Base	$22,180,000
	Seymour Johnson Air Force Base	$5,230,000
North Dakota	Cavalier Air Force Station	$1,450,000
	Grand Forks Air Force Base	$6,500,000
	Minot Air Force Base	$8,650,000
Ohio	Wright-Patterson Air Force Base	$12,170,000
Oklahoma	Altus Air Force Base	$7,300,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Tinker Air Force Base	$21,280,000
	Vance Air Force Base	$2,350,000
South Carolina	Charleston Air Force Base	$32,150,000
	Shaw Air Force Base	$2,380,000
South Dakota	Ellsworth Air Force Base	$3,880,000
Texas	Brooks Air Force Base	$9,000,000
	Dyess Air Force Base	$7,300,000
	Goodfellow Air Force Base	$3,250,000
	Kelly Air Force Base	$21,360,000
	Lackland Air Force Base	$9,000,000
	Laughlin Air Force Base	$6,000,000
	Randolph Air Force Base	$1,250,000
	Sheppard Air Force Base	$6,990,000
Utah	Hill Air Force Base	$6,100,000
Virginia	Langley Air Force Base	$7,050,000
Washington	Fairchild Air Force Base	$2,510,000
	McChord Air Force Base	$2,540,000
Wyoming	F.E. Warren Air Force Base	$1,050,000
Various Locations	Various Locations	$2,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Ascension Island	Power/Desalinization Plant	$22,000,000
Germany	Rhein-Main Air Base	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base	$23,240,000
Portugal	Lajes Field	$8,450,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
California	Beale Air Force Base	Housing office	$306,000
	March Air Force Base	320 units	$38,351,000
Florida	Patrick Air Force Base	250 units	$22,500,000

Air Force: Family Housing—Continued

State or Country	Installation	Purpose	Amount
Georgia	Moody Air Force Base	Housing maintenance facility	$290,000
	Robins Air Force Base	55 units	$3,153,000
Illinois	Scott Air Force Base	1,068 units	$60,000,000
Louisiana	Barksdale Air Force Base	Housing maintenance and storage facility	$443,000
New Mexico	Cannon Air Force Base	361 units	$32,951,000
	Cannon Air Force Base	Housing office.	$480,000
North Dakota.	Minot Air Force Base	Housing office.	$286,000
South Carolina.	Shaw Air Force Base	Housing office.	$351,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal	Lajes Field	Water wells	$865,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,457,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $150,000,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,062,707,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $667,290,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,690,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $283,786,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $927,941,000 of which not

more than $150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $59,000,000 (the balance of the amount authorized under section 2301(a) for the construction of the climate test chamber at Elgin Air Force Base, Florida);

(3) $11,000,000 (the balance of the amount authorized under section 2301(a) for the construction of apron and hydrant system at Barksdale Air Force Base, Louisiana); and

(4) $40,000,000 (the balance of the amount authorized under section 2301(a) for the construction of family housing at Scott Air Force Base, Illinois).

SEC. 2305. CHILD DEVELOPMENT CENTER RELOCATION, BUCKLEY AIR NATIONAL GUARD BASE, COLORADO.

Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "COLORADO" by striking out the item relating to Lowry Air Force Base and inserting in lieu thereof the following:

"Buckley Air National Guard Base, $4,550,000.".

SEC. 2306. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code, the Secretary of the Air Force may enter into contracts for the lease of family housing units in the number of units shown, and at the net present value shown, for the following installations:

(1) Bolling Air Force Base, District of Columbia, 550 units, $54,200,000.

(2) Andrews Air Force Base, Maryland, 550 units, $54,200,000.

SEC. 2307. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code, the Secretary of the Air Force may enter into rental guarantee agreements for military housing in the number of units shown for the following installations:

(1) Elmendorf Air Force Base, Alaska, 302 units.

(2) Patrick Air Force Base, Florida, 409 units

(3) Offutt Air Force Base, Nebraska, 400 units.

SEC. 2308. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "ALASKA", by striking out the item relating to Shemya Air Force Base and inserting in lieu thereof the following:

"Shemya Air Force Base, $10,300,000.";

(B) under the heading "ARIZONA", by striking out the item relating to Luke Air Force Base and inserting in lieu thereof the following:

"Luke Air Force Base, $6,000,000.";

(C) by striking out the following:

"MONTANA

"Conrad Strategic Training Range Site, $700,000.

"Havre Strategic Training Range Site, $700,000.";

(D) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base and inserting in lieu thereof the following:

"Griffiss Air Force Base, $1,500,000.";

(E) under the heading "SOUTH DAKOTA", by striking out the item relating to Ellsworth Air Force Base and inserting in lieu thereof the following:

"Ellsworth Air Force Base, $2,040,000."; and

(F) under the heading "TEXAS", by striking out the item relating to Sheppard Air Force Base and inserting in lieu thereof the following:

"Sheppard Air Force Base, $16,250,000.".

(2) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,054,713,000"; and

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$744,380,000".

(b) FISCAL YEAR 1991 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended—

(A) under the heading "GEORGIA", by striking out the item relating to Robins Air Force Base and inserting in lieu thereof the following:

"Robins Air Force Base, $8,700,000.";

(B) under the heading "MICHIGAN", by striking out the item relating to K.I. Sawyer Air Force Base and inserting in lieu thereof the following:

"K.I. Sawyer Air Force Base, $1,400,000."; and

(C) under the heading "OKLAHOMA", by striking out the item relating to Tinker Air Force Base and inserting in lieu thereof the following:

"Tinker Air Force Base, $53,350,000.".

(2) Section 2302(a) of such Act (104 Stat. 1773) is amended by striking out the item relating to Myrtle Beach Air Force Base, South Carolina.

(3) Section 2304(a) of such Act (104 Stat. 1773) is amended—

(A) by striking out "$1,922,733,000" and inserting in lieu thereof "$1,905,075,000";

(B) in paragraph (1), by striking out "$742,255,000" and inserting in lieu thereof "$724,855,000"; and

(C) in paragraph (7)(A), by striking out "$182,965,000" and inserting in lieu thereof "$182,707,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the projects described in paragraphs (2), (3), (4), and (5) of section 2403(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	*Installation or location*	*Amount*
Defense Logistics Agency	*Defense Reutilization and Marketing Office, March Air Force Base, California*	*$630,000*
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	*$1,700,000*
	Defense General Supply Center, Richmond, Virginia	*$2,900,000*
Defense Medical Facility Office	*Beale Air Force Base, California*	*$3,500,000*
	Elmendorf Air Force Base, Alaska	*$160,000,000*
	March Air Force Base, California	*$18,000,000*
	Fitzsimons Army Medical Center, Colorado	*$390,000,000*
	Walter Reed Army Medical Center, District of Columbia	*$147,300,000*
	Fort Leonard Wood, Missouri	*$3,000,000*
	Fort Bragg, North Carolina	*$250,000,000*
	Millington Naval Air Station, Tennessee	*$10,000,000*
National Security Agency	*Fort Meade, Maryland*	*$6,700,000*
Section 6 Schools	*Fort Bragg, North Carolina*	*$3,950,000*
Strategic Defense Initiative Organization	*Barking Sands, Hawaii*	*$2,500,000*

Defense Agencies: Inside the United States—Continued

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	*Installation or location*	*Amount*
DOD Dependent Schools	*Hohenfels, Germany*	*$13,500,000*
Defense Nuclear Agency	*Johnston Island*	*$1,500,000*
National Security Agency	*Classified Locations*	*$9,590,,000*
Strategic Defense Initiative Organization	*Kwajelein*	*$22,000,000*

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,567,146,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $87,950,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $46,590,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $16,000,000.

(5) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,508,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $90,818,000.

(8) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, $3,580,000.

(9) For energy conservation projects authorized by section 2402, $60,000,000.

(10) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), $440,700,000.

(11) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), $1,743,600,000.

(12) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more than $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds in the amount of $5,230,000 appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the Defense Agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2401(a) for the Defense Logistics Agency.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $145,000,000 (the balance of the amount authorized for construction of the Hospital at Elmendorf Air Force Base, Alaska);

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina); and

(5) $388,000,000 (the balance of the amount authorized for Fitzsimons Army Medical Center, Colorado).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $60,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $208,672,000; and

(B) for the Army Reserve, $34,850,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $17,200,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $305,759,000; and

(B) for the Air Force Reserve, $36,580,000.

SEC. 2602. REDUCTIONS IN CERTAIN PRIOR YEAR AUTHORIZATIONS OF APPROPRIATIONS FOR AIR FORCE RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1989.—Section 2601(3)(B) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2114) is amended by striking out "$63,600,000" and inserting in lieu thereof "$62,440,000".

(b) FISCAL YEAR 1990.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1645) is amended by striking out "$35,600,000" and inserting in lieu thereof "$29,050,000".

(c) FISCAL YEAR 1991.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1781) is amended by striking out "$37,700,000" and inserting in lieu thereof "$33,930,000".

TITLE XXVII— EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189, 103 Stat. 1645), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2301 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Kansas	Fort Riley	Child development center	$1,500,000
Louisiana	Fort Polk	Range modernization	$9,600,000
Pennsylvania.	New Cumberland Army Depot	Hazardous material storage facility	$14,000,000
Virginia	Fort Lee	Enlisted petroleum training facility	$8,300,000

Navy: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
California	Navy Public Works Center, San Francisco	344 housing units	$34,000,000
Texas	Ingleside Naval Station	EOD complex	$1,000,000
		BEQ II project	$6,200,000
		Magazines	$910,000
Pennsylvania.	Philadelphia Naval Shipyard	Hazardous and flammable material warehouse	$3,000,000

Air Force: Extension of 1990 Project Authorizations

State or country	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000
Ohio	Newark Air Force Base	Child development center	$680,000
Oklahoma	Tinker Air Force Base	EMP test facility	$9,300,000
Turkey	Incirlik Air Force Base	Post office	$550,000

SEC. 2703. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1992; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROMOTION OF ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) ENERGY SAVING ACTIVITIES.—Section 2865 of title 10, United States Code, is amended—

(1) by striking out subsection (b)(3);

(2) by redesignating subsection (d) as subsection (f); and

(3) by inserting after subsection (c) the following new subsection:

"(d) ENERGY SAVING ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vested in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.".

(b) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(3), the following new subsection:

"(e) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify in writing the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(c) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking out "paragraph (3)(B)" and inserting in lieu thereof "subsection (d)(2)".

(d) TECHNICAL AMENDMENT.—Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking out "Beginning with fiscal year 1991 and by no later than December 31, 1991, and of each year thereafter," and inserting in lieu thereof "Not later than December 31 of each year,".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ENERGY PERFORMANCE GOAL AND PLAN.—" after "(a)";

(2) in subsection (b), by inserting "USE OF ENERGY COST SAVINGS.—" after "(b)";

(3) in subsection (c), by inserting "SHARED ENERGY SAVINGS CONTRACTS.—" after "(c)"; and

(4) in subsection (f), as redesignated by subsection (a)(2), by inserting "ANNUAL REPORT.—" after "(f)".

SEC. 2802. AUTHORITY TO CONSTRUCT REPLACEMENT FAMILY HOUSING UNITS.

(a) AUTHORITY TO CONSTRUCT REPLACEMENT UNITS.—Section 2825 of title 10, United States Code, is amended—

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

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

"(c)(1) The Secretary concerned may construct replacement military family housing units in lieu of improving existing military family housing units if—

"(A) the improvement of the existing housing units has been authorized by law;

"(B) the Secretary determines that the improvement project is no longer cost-effective after a review of post-design or bid cost estimates;

"(C) the Secretary submits to the committees referred to in subsection (b)(1) a notice containing—

"(i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the armed forces in the same pay grade or grades as those members who occupy the existing housing units; and

"(ii) if the replacement housing units are intended for members of the armed forces in a different pay grade or grades, a justification of the need for the replacement housing units based upon the long-term requirements of the armed forces in the location concerned; and

"(D) a period of 21 days elapses after the date on which the Secretary submits the notice required by subparagraph (C).

"(2) The amount that may be expended to construct replacement military family housing units under this subsection may not exceed the amount that is otherwise available to carry out the previously authorized improvement project.".

(b) CONFORMING AMENDMENT.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

"(5) Replacement housing units constructed under section 2825(c) of this title.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. USE OF PROCEEDS OF THE TRANSFER OR DISPOSAL OF COMMISSARY STORE AND OTHER FACILITIES AND PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following new subparagraph:

"(C)(i) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in a reserve account established in the Treasury to be administered by the Secretary. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(I) commissary stores; and

"(II) real property and facilities for nonappropriated fund instrumentalities.

"(ii) The amount deposited under clause (i) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(iii) As used in this subparagraph:

"(I) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(II) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(III) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 209 of such Act is amended by striking out paragraph (10).

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out subsection (d), as added by section 344(b)(1)(B) of Public Law 102-190, and inserting in lieu thereof the following new subsection:

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) As used in this subsection:

"(A) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores

fixed under section 2685 of title 10, United States Code.

"(B) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(C) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) CLOSURE OF FOREIGN MILITARY INSTALLATIONS.—Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended in the first sentence by striking out "the value of the improvements carried out" and inserting in lieu thereof "the depreciated value of the investment made".

SEC. 2822. DEMONSTRATION PROJECT FOR THE USE OF A NATIONAL RELOCATION CONTRACTOR TO ASSIST THE DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—Subject to the availability of appropriations therefor, the Secretary of Defense shall enter into a one-year contract with a private relocation contractor operating on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the Homeowners Assistance Program. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than one year after the date on which the Secretary of Defense enters into the contract under subsection (a), the Comptroller General shall submit to Congress a report containing the Comptroller General's evaluation of the effectiveness of using the national contractor for administering the program referred to in subsection (a). The report shall compare the cost and efficiency of such administration with the cost and efficiency of—

(1) the program carried out by the Corps of Engineers using its own employees; and

(2) the use of contracts with local relocation companies at military installations being closed or realigned.

SEC. 2823. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

SEC. 2824. AVAILABILITY OF CERTAIN FEDERAL PROPERTY FOR APPLICATION FOR USE TO ASSIST THE HOMELESS.

(a) AVAILABILITY OF PROPERTY AFTER HOLDING PERIOD.—Section 501(c)(4)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(4)(C)) is amended to read as follows:

"(C) For purposes of subparagraph (A), property shall not be considered to remain available for application for use to assist the homeless after the 60-day holding period provided under subsection (d) if—

"(i) an application for or written expression of interest in the property is made under any law for use of the property for any purpose; or

"(ii) the Administrator receives a bona fide offer to purchase the property or advertises for the sale of the property by public auction.".

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting "or" after "Unutilized".

SEC. 2825. REVISION OF REQUIREMENTS RELATING TO BUDGET DATA ON BASE CLOSURES.

(a) COVERED FUNDING REQUESTS.—(1) Subsection (a) of section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1546; 10 U.S.C. 2687 note) is amended—

(A) by striking out "each military construction project" and inserting in lieu thereof "military construction relating to the closure or realignment of the installation"; and

(B) by striking out "the cost of such project" and inserting in lieu thereof "the cost of such construction".

(2) Subsection (b) of such section is amended—

(A) by striking out "of a military construction project" and inserting in lieu thereof "of military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "the construction".

(b) INVESTIGATION BY INSPECTOR GENERAL.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "each military construction project" and inserting in lieu thereof "the military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "such construction"; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph (2):

"(2) The Inspector General shall submit to the congressional defense committees a report describing the results of each investigation conducted under paragraph (1).".

SEC. 2826. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or incentives.

SEC. 2827. OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.

(a) USE OF ACCOUNT AT OVERSEAS FACILITIES.—Subsection (c) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in the first sentence of paragraph (2), by striking out "in connection with facility maintenance and repair and environmental restoration at military installations in the United States." and inserting in lieu thereof the following: "in connection with—

"(A) facility maintenance and repair and environmental restoration at military installations in the United States; and

"(B) facility maintenance and repair and compliance with applicable environmental laws at military installations outside the United States that the Secretary anticipates will be occupied by the Armed Forces for a long period.";

(2) by striking out the second sentence of paragraph (2); and

(3) by adding at the end the following new paragraphs:

"(3) Funds in the Department of Defense Overseas Facility Investment Recovery Account shall remain available until expended.".

(b) PAYMENTS-IN-KIND.—Such section is further amended by adding at the end the following new subsection:

"(e) NEGOTIATIONS FOR PAYMENTS-IN-KIND.—Before the Secretary of Defense enters into negotiations with a host country regarding the acceptance by the United States of any payment-in-kind in connection with the release to the host country of improvements made by the United States at military installations in the host country, the Secretary shall submit a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country and the types of benefit options to be pursued by the Secretary in the negotiations."

(c) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Such section is further amended by adding after subsection (e), as added by subsection (b), the following new subsection:

"(f) REPORT ON STATUS AND USE OF SPECIAL ACCOUNT.—Not later than January 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the operations of the Department of Defense Overseas Military Facility Investment Recovery Account during the preceding fiscal year and proposed uses of funds in the special account during the next fiscal year. The report shall include the following:

"(1) The amount of each deposit in the account during the preceding fiscal year, and the source of the amount.

"(2) The balance in the account at the end of that fiscal year.

"(3) The amounts expended from the account by each military department during that fiscal year.

"(4) With respect to each military installation for which money was deposited in the account as a result of the release of real property or improvements of the installation to a host country during that fiscal year—

"(A) the total amount of the investment of the United States in the installation, expressed in terms of constant dollars of that fiscal year;

"(B) the depreciated value (as determined by the Secretary of a military department under regulations to be prescribed by the Secretary of Defense) of the real property and improvements that were released; and

"(C) the explanation of the Secretary for any difference between the benefits received by the United States for the real property and improvements and the depreciated value (as so determined) of that real property and improvements.

"(5) A list identifying all military installations outside the United States for which the Secretary proposes to make expenditures from the Department of Defense Overseas Facility Investment Recovery Account under subsection (c)(2)(B) during the next fiscal year and specifying the amount of the proposed expenditures for each identified military installation.

"(6) A description of the purposes for which the expenditures proposed under paragraph (5) will be made and the need for such expenditures.".

Subtitle C—Land Transactions

SEC. 2831. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1529) is amended—

(1) in subsection (a) by striking out "or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),";

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

"(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

"(A) other real property suitable for use, as determined by the Secretary, for military family housing;

"(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

"(C) a combination of real property and cash.

"(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

"(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. Subject to the availability of appropriations for this purpose, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).";

(5) in subsection (e), as redesignated by paragraph (3), by striking out "or SANDER or by the City and SANDER".

SEC. 2832. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) LAND CONVEYANCE.—The Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3,744 acres and comprising the Myrtle Beach Air Force Base, South Carolina, or any portion of that parcel, together with any improvements thereon.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the State of South Carolina shall—

(A) convey to the United States all right, title, and interest of the State of South Carolina in and to the parcels of land (together with any improvements thereon) described to in paragraph (2); and

(B) pay to the United States an amount equal to the amount, if any, by which the fair market value of the land conveyed under subsection (a) exceeds the fair market value of the land conveyed under subparagraph (A).

(2) The parcels of land referred to in paragraph (1) are the following:

(A) The Poinsett Weapons Range, a parcel consisting of approximately 8,358 acres that is located in Sumter County, South Carolina, and is currently leased by the Air Force from the State of South Carolina.

(B) Other parcels contiguous to the Poinsett Weapons Range that—

(i) are owned by the State of South Carolina, including parcels acquired by the State of South Carolina for the purposes of satisfying the requirements of this subsection; and

(ii) the Secretary determines are necessary for the Air Force to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Forces as a bombing range.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A). Such determinations shall be final.

(d) USE OF FUNDS.—Any funds paid to the Secretary under subsection (b)(1)(B) shall be deposited in the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and shall be available for use in accordance with subsection (b) of such section 2906.

(e) RESERVATION FOR HARVESTING FOREST PRODUCTS.—The Secretary may accept the conveyance of the parcel of real property referred to in subsection (b)(1)(A) subject to a reservation permitting the harvesting of forest products on the parcel by the South Carolina State Forestry Commission. A reservation granted under this subsection shall be subject to such conditions as the Secretary may prescribe.

(f) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the State of South Carolina.

(g) REVERSIONARY INTEREST.—The major portion of the land to be conveyed by the State of South Carolina under subsection (b)(2) was originally conveyed to the South Carolina State Forestry Commission by the United States under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U.S.C. 1000 et seq.), subject to reservation of mineral rights and subject also to a reversion of title if the State ceased to use such properties for public purposes. The conveyance of such land to the United States under subsection (b)(2) shall be deemed to be in compliance with the public purpose covenants imposed upon conveyance to the South Carolina State Forestry Commission.

(h) AUTHORITY TO ACQUIRE ADDITIONAL LAND.—Subject to section 2662(a) of title 10, United States Code, and the availability of appropriations for this purpose, the Secretary may acquire such additional parcels of land in the vicinity of Poinsett Weapons Range, South Carolina, as the Secretary determines are necessary to enhance the usefulness of the Poinsett Weapons Range as a bombing range.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) known as the Hays Army Ammunition Plant and consisting of approximately 11.9983 acres in the Borough of West Homestead and the City of Pittsburgh, Pennsylvania.

(b) CONDITION OF TRANSFER.—The Secretary may not make the conveyance authorized by subsection (a) unless the Secretary is able to issue a statement of condition certifying that the Hays Army Ammunition Plant is environmentally clean and safe for nonmilitary use.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the Urban Redevelopment Authority of Pittsburgh.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LEASES OF PROPERTY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) LEASE AUTHORIZED WITH UNION PACIFIC RAILROAD COMPANY.—(1) The Secretary of the Navy may lease to the Union Pacific Railroad Company (in this subsection referred to as the "Company") not more than 15 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized in paragraph (1) shall—

(A) be for an initial period of not more than 25 years;

(B) contain an option for the Company to extend the lease for an additional period of not more than 25 years; and

(C) contain the restriction that the Company use the leased property only for freight transportation purposes.

(3)(A) As consideration for the lease of the real property under paragraph (1), the Company—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the Company—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4)(A) Section 2667(d) of title 10, United States Code, shall apply to amounts paid under paragraph (3)(A)(i).

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(5) The Secretary may authorize the Company to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(C), construct new facilities on the property for the use of the Company.

(b) LEASE AUTHORIZED WITH CITY OR PORT OF OAKLAND.—(1) The Secretary of the Navy may lease to the City of Oakland, California, or the Port of Oakland, California (in this subsection referred to as the "City" and the "Port", respectively), not more than 195 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized under paragraph (1) shall—

(A) be for a term of not more than 50 years; and

(B) shall contain the restriction that the City or the Port (as the case may be) use the leased property in a manner consistent with Navy operations conducted at the Naval Supply Center.

(3)(A) As consideration for the lease of the real property under paragraph (1), the City or the Port (as the case may be)—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the City or the Port (as the case may be)—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4) The Secretary may not enter into the lease authorized by paragraph (1) until 21 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of the terms of the proposed lease and a description of the consideration that the Secretary expects to receive under the lease.

(5)(A) The Secretary may use amounts paid under paragraph (3)(A)(i) to pay for improvement, maintenance, repair, construction, or restoration activities at the Naval Supply Center, Oakland, California.

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(6) The Secretary may authorize the City or the Port (as the case may be) to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the leases authorized under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1225) is repealed.

SEC. 2835. GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO GRANT EASEMENT.—The Secretary of the Navy may grant to San Diego Gas and Electric Company (in this section referred to as "SDG&E") an easement on a parcel of real property consisting of approximately 120 acres that is located in the northeast portion of Naval Air Station, Miramar, California (in this section referred to as the "Air Station"). The purpose of the easement is to enable SDG&E to construct, operate, and maintain an electric transmission substation and associated electric transmission lines.

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to SDG&E under subsection (a), SDG&E shall pay to the United States an amount that is not less than the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from SDG&E, in lieu of payment of up to 50 percent of the agreed consideration, the following:

(A) The establishment of an alternative source of 12 kilovolts of electric power for the Air Station.

(B) Such improvements to the electrical distribution system of the Air Station as the Secretary designates for the purposes of this paragraph.

(c) USE OF PROCEEDS.—(1) The amounts of consideration paid under subsection (b) shall be deposited in the special account established for the Department of the Navy under section 2667(d)(1)(A) of title 10, United States Code.

(2) Subject to the availability of appropriations for this purpose, of the sums in such account—

(A) there shall be available for facility maintenance and repair and for environmental restoration by the Department of the Navy the amount equal to 50 percent of the total agreed consideration for the grant of the easement under subsection (a); and

(B) there shall be available for facility maintenance and repair or environmental restoration of the Air Station, the amount equal to the excess (if any) of 50 percent of such total consideration over the amount equal to the sum of—

(i) the total cost incurred by SDG&E for the establishment of the alternative power source pursuant to subsection (b)(2)(A); and

(ii) the total cost of the improvements made by SDG&E pursuant to subsection (b)(2)(B).

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by SDG&E.

(e) ADDITIONAL TERMS.—The Secretary may require any additional terms and conditions in connection with the grant of an easement under this section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, NAVAL RESERVE CENTER, SANTA BARBARA, CALIFORNIA.

(a) CONVEYANCE.—The Secretary of the Navy may convey to the City of Santa Barbara, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre, including improvements thereon, which is the location of the Santa Barbara Naval Reserve Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the lesser of—

(1) $2,400,000; or

(2) the cost incurred by the Secretary in constructing a naval reserve center to replace the naval reserve center conveyed under subsection (a).

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the City enter into an agreement with the Secretary of Transportation for the City—

(A) to permit, at no cost to the Federal Government, the Coast Guard to remain in the space currently occupied by the Coast Guard in the facility referred to in subsection (a); or

(B) to provide the Coast Guard, at no cost to the Federal Government, with space in a facility acceptable to the Secretary of Transportation that is sufficient to replace the space referred to in subparagraph (A) from which the Coast Guard is displaced by the City.

(2) That the City enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration for the City—

(A) to permit, at no cost to the Federal Government, the National Oceanic and Atmospheric Administration (in this section referred to as "NOAA") to remain until May 1, 1993 (or a later date agreed to by the City and the Administrator), in the space currently occupied by NOAA in the facility referred to in subsection (a); or

(B) to provide NOAA until May 1, 1993 (or a later date agreed to by the City and the Administrator), at no cost to the Federal Government, with space in a facility acceptable to the Administrator that is sufficient to replace the space referred to in subparagraph (A) from which NOAA is displaced by the City.

(3) That the City enter into an agreement with the Secretary of the Navy for the City to permit the Navy to use, at no cost to the Federal Government, the naval reserve center referred to in subsection (a) until the replacement facility to be constructed in accordance with subsection (d) is suitable for occupancy by the Navy, as determined by the Secretary.

(d) REPLACEMENT CENTER.—The Secretary of the Navy shall use the amount paid by the City under subsection (b) to construct a naval reserve center to replace the naval reserve center conveyed pursuant to subsection (a). Such replacement center shall be constructed at the Naval Construction Battalion Center, Port Hueneme, California, or at another location determined by the Secretary to be suitable for such a center.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance and agreements under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, FOREST GLEN ANNEX, WALTER REED ARMY MEDICAL CENTER, MARYLAND.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army shall convey, without consideration, to the Maryland-National Capital Park and Planning Commission (in this section referred to as the "Commission") all right, title, and interest of the United States in and to approximately 10 acres of real property at the Forest Glen Annex of the Walter Reed Army Medical Center, consisting of woodlands located north and west of Ireland Drive.

(b) CONDITION ON USE OF CONVEYED PROPERTY.—The conveyance required by subsection (a) shall be subject to the condition that the Commission use the property conveyed only as a public park and maintain the property in its entirety as woodlands for the public benefit.

(c) REVERSION.—If the Secretary determines at any time that the Commission is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a) shall revert to the United States.

(d) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The Commission shall bear the expense of the survey.

SEC. 2838. LAND CONVEYANCE, WILLIAMS AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—(1) The United States may acquire by condemnation or otherwise—

(A) all right, title, and interest of the State of Arizona (including any mineral rights) in and to the trust lands of the State of Arizona described in paragraph (2); and

(B) any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in the lands described in paragraph (3).

(2) The trust lands referred to in paragraph (1)(A) are as follows:

(A) A parcel or parcels consisting of approximately 81,121 acres located in the Goldwater Aerial Gunnery Range, Yuma County and Maricopa County, Arizona, and used by the Air Force for activities relating to aerial gunnery and bombing practice.

(B) A parcel or parcels consisting of approximately 7,563 acres located in the Yuma Test Sta-

tion, Yuma County, Arizona, and used by the Army for activities relating to field artillery testing.

(C) A parcel or parcels consisting of approximately 1,537 acres located in the Fort Huachuca East Range, Cochise County, Arizona, and used by the Army for activities relating to field training exercises.

(D) A parcel or parcels consisting of approximately 133 acres located in Davis-Monthan Air Force Base, Tucson, Arizona.

(E) A parcel consisting of approximately five acres located in section 14, T4N, R3E of the State of Arizona, Phoenix, Arizona, and used as part of the Arizona National Memorial Cemetery.

(3) The lands referred to in paragraph (1)(B) are as follows:

(A) A parcel or parcels consisting of approximately 50,355 acres located in the Goldwater Aerial Gunnery Range, Arizona.

(B) A parcel or parcels consisting of approximately 12,781 acres located in the Yuma Test Station, Arizona.

(C) A parcel or parcels consisting of approximately 12,943 acres located in the Fort Huachuca East Range, Arizona.

(b) CONSIDERATION.—As consideration for the acquisition by the United States of Arizona trust lands under paragraph (1)(A) of subsection (a) and any mineral rights under paragraph (1)(B) of that subsection, the Secretary of the Air Force shall convey to the State of Arizona all right, title, and interest of the United States in and to a parcel of real property located at Williams Air Force Base, Arizona, together with any improvements thereon, that is approximately equal in fair market value to the fair market value of the property and mineral rights acquired under that subsection.

(c) CONDITIONS.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the fair market value of the real property and mineral rights acquired by the United States under subsection (a) is at least equal to the fair market value of the property conveyed by the Secretary under subsection (b);

(2) the conveyance of the Secretary to the State of Arizona under subsection (b) is accepted as full consideration for the conveyance of property and mineral rights to the United States under subsection (a) and terminates all right, title, and interest of all parties other than the United States in and to the property and mineral rights conveyed to the United States under subsection (a); and

(3) the Secretary has complied with all environmental protection, remediation, and restoration laws that are applicable to the disposal of the real property at Williams Air Force Base, Arizona, that is conveyed to the State of Arizona under subsection (b).

(d) RESTRICTION ON USE OF CERTAIN PROPERTY.—The Secretary of Veterans Affairs shall use as a cemetery any property referred to in paragraph (2)(E) of subsection (a) that is acquired by the United States under that subsection. Such use shall be subject to the provisions of chapter 24 of title 38, United States Code.

(e) LIMITATION ON CONVEYANCE AUTHORITY.—The conveyance of real property described in subsection (b) may not be made until adequate prior opportunity has been provided for the disposition of such property as provided in section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), except the requirement for disposition by public advertising.

(f) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Air Force shall determine the fair market value of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the mineral rights to be acquired pursuant to subsection (a)(1)(B), and the parcel of real property to be conveyed pursuant to subsection (b). Such determinations shall be final.

(g) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the parcels of real property referred to in subsection (a)(1)(B), and the parcels of real property conveyed pursuant to subsection (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force and the State of Arizona. The cost of such surveys shall be borne by the State of Arizona.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyance and acquisitions under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2839. MODIFICATION OF LAND EXCHANGE, BURLINGTON, VERMONT.

Section 2387 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1800) is amended—

(1) in subsection (b), by striking out "the Burlington, Vermont, area" and inserting in lieu thereof "the State of Vermont";

(2) in subsection (c)(1)(A), by striking out "$800,000" and inserting in lieu thereof "$600,000, with such payment to be made (before the date of the conveyance authorized by subsection (a)) in a lump sum, in yearly installments, or under such other terms and conditions as the Secretary considers to be in the interest of the United States";

(3) in subsection (c)(2), by striking out "January 1, 1993," and inserting in lieu thereof "June 1, 1995,"; and

(4) by adding at the end of subsection (c) the following new paragraph:

"(3) The Secretary may permit the City of Burlington, Vermont, to make alterations or improvements to the property referred to in subsection (a) before the Secretary conveys the property to the City. The making of such alterations and improvements pursuant to this paragraph shall be subject to terms and conditions that the Secretary considers to be appropriate and shall be subject to the prior approval of the Secretary.".

SEC. 2840. CONVEYANCE OF WASTE WATER TREATMENT PLANT, FORT RITCHIE, MARYLAND.

(a) IN GENERAL.—The Secretary of the Army may convey to the Washington County, Maryland, Sanitary District (in this section referred to as the "Sanitary District") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 4.5 acres, including a waste water treatment facility and other improvements located thereon, located at Fort Ritchie, Maryland.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a) the Sanitary District shall provide the Army with disposal services, waste water treatment services, and other related services at the facility. The value of the services provided the Army shall be equal to the fair market value of the property conveyed pursuant to subsection (a), as determined jointly by the Secretary and the Sanitary District.

(c) CONDITIONS.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Sanitary District reserve 70 percent of the operating capacity of the waste water treatment facility referred to in subsection (a) for use by the Army in the event that such use is necessitated by a realignment or change in the operations of the Army at Fort Ritchie, Maryland.

(2) That the Sanitary District ensure the compliance of the waste water treatment facility with applicable environmental laws, including the construction of any improvement and the satisfaction of any permit or license requirements that may be necessary to ensure such compliance.

(3) That the cost of the construction of the improvements referred to in paragraph (2) be borne by the Sanitary District and the Army according to the pro rata share of the operating capacity of the waste water treatment facility reserved to the Army and the Sanitary District, respectively.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Sanitary District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. ACQUISITION OF INTERESTS IN LAND, NAVAL RADIO STATION, JIM CREEK, WASHINGTON.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest (including timber rights) of any party in and to a parcel of land consisting of approximately 225 acres, or any portion of the parcel, located in Snohomish County, Washington, and comprising a portion of Naval Radio Station, Jim Creek, Washington.

(b) CONSIDERATION.—(1) As consideration for an interest acquired by the Secretary pursuant to the authority in subsection (a), the Secretary—

(A) shall pay the person conveying that interest, out of funds available to the Secretary for the acquisition of interests in real property (including unobligated prior year funds available for the Legacy Resource Management Program), the amount determined under paragraph (2);

(B) shall, with the consent of that person, convey to such person all right, title, and interest of the United States in and to a quantity of merchantable timber at the Naval Radio Station, Jim Creek, determined under paragraph (2); or

(C) shall, with the consent of such person, make such a payment and such a conveyance to that person.

(2) The total of the amount paid a person pursuant to paragraph (1)(A), if any, and the fair market value of the quantity (to the extent of the interest) of merchantable timber conveyed to that person pursuant to paragraph (1)(B), if any, shall be equal to the fair market value of the property interest acquired from that person under subsection (a).

(c) OPTION TO PURCHASE.—The Secretary may purchase an option to purchase a property interest authorized to be acquired under subsection (a). The Secretary may use funds referred to in subsection (b)(1)(A) for the purchase of such an option.

(d) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property interests acquired under subsection (a) and the merchantable timber, if any, conveyed under subsection (b). Such determinations shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property an interest in which is acquired under subsection (a) or conveyed under subsection (b) shall be determined by a survey that is satisfactory to the Secretary and is conducted at no cost to the United States (except that the Secretary shall bear such cost in the case of a gift to the United States).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisitions authorized under subsection (a) and the conveyances, if any, authorized under subsection (b) that the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2842. REAL PROPERTY CONVEYANCE, NAVAL STATION PUGET SOUND, EVERETT, WASHINGTON.

(a) IN GENERAL.—(1) The Secretary of the Navy may convey to any person all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) The parcel of land referred to in paragraph (1) is a parcel of land located in the State of Washington consisting of approximately 68 acres and comprising the naval family housing area at Paine Field, Snohomish County, Washington, together with improvements thereon.

(b) CONSIDERATION.—(1) In consideration for the conveyance of the parcel of land authorized in subsection (a), the person accepting the conveyance shall—

(A) pay the Secretary an amount equal to the fair market value of the parcel and any improvements located thereon; or

(B) convey to the United States of all right, title, and interest of the person in and to the parcel of land, together with any improvements thereon, located in the area of the Naval Station Puget Sound, Everett, Washington, that the Secretary determines to be suitable for family housing for Naval Station Puget Sound and, if the fair market value of the parcel conveyed by the United States exceeds the fair market value of the parcel conveyed to the United States, pay to the Secretary the amount equal to such excess.

(2) The Secretary shall determine the fair market value of the parcel of land conveyed pursuant to subsection (a)(1) and the parcels of land, if any, conveyed pursuant to paragraph (1)(B).

(c) NOTICE TO COMMITTEES.—The Secretary may not enter into a conveyance or sale of real property, as the case may be, under this section until the Secretary has notified the congressional defense committees of the details of the proposed conveyance or sale, as the case may be, and a period of 21 days has elapsed following the day on which the committees receive the notification.

(d) USE OF FUNDS.—(1) Subject to the availability of appropriations for this purpose, the Secretary shall use any amounts paid to the Secretary under subsection (b)(1) for the following purposes:

(A) Acquiring in the vicinity of Naval Station Puget Sound land that is suitable (as determined by the Secretary) for family housing for Naval Station Puget Sound.

(B) Acquiring or constructing not more than 350 units of family housing for Naval Station Puget Sound.

(2) If amounts referred to in paragraph (1) remain unexpended after the acquisition or construction of the family housing referred to in that paragraph, the Secretary shall deposit such unexpended amounts in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcel of land conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF HASTINGS RADAR BOMB SCORING SITE, NEBRASKA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey to Central Community College, Hastings Nebraska (in this section referred to as the "College"), all right, title, and interest of the United States in and to three parcels of property located in Hastings, Nebraska, which have served as a support complex for the Hastings Radar Bomb Scoring Site.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a), the College shall pay to the United States an amount equal to the fair market value of the land conveyed under subsection (a), as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit the proceeds of the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the College.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, ABBEVILLE, ALABAMA.

(a) IN GENERAL.—The Secretary of the Army may convey, without consideration, to the City of Abbeville, Alabama, all right, title, and interest of the United States in and to a parcel of land consisting of approximately four acres, together with improvements thereon, the site of a proposed Army Reserve Center, Abbeville, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the City of Abbeville, Alabama.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2845. EXTENSION OF TIME IN WHICH TO ENTER INTO LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

The time period within which the Secretary of the Navy shall enter into the lease of real property at the Hunters Point Naval Shipyard, San Francisco, California, required under section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is extended to May 30, 1993.

SEC. 2846. TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) negotiate the termination of the remaining lease of the Navy of 2.27 acres of land located at the Georgia Institute of Technology, Atlanta, Georgia (in this section referred to as the "Institute"); and

(2) sell to the Institute the Naval Reserve Center facilities located on such land.

(b) CONSIDERATION.—As consideration for the termination of the lease interest referred to in subsection (a)(1) and the sale of the facilities referred to in subsection (a)(2), the Institute shall pay the Secretary an amount equal to the aggregate of the fair market value of the remaining lease referred to in such subsection (a)(1) and the facilities referred to in such subsection (a)(2).

(c) USE OF FUNDS.—(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B), the Secretary shall use the amount paid by the Institute under subsection (b) to expand the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in a manner which permits the use of a portion of that Center as replacement facilities for the naval reserve facilities referred to in subsection (a)(1).

(B) The expanded portion of the Marine Corps Reserve Center described under subparagraph (A) shall be under the jurisdiction of the Marine Corps Reserve.

(2) If any portion of the amount referred to in paragraph (1) remains unexpended after the construction of the naval reserve facilities referred to in that paragraph, the Secretary shall deposit that portion in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LAND CONVEYANCE, FORT CHAFFEE, ARKANSAS.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the City of Fort Smith, Arkansas (in this section referred to as the "City"), all right, title, and interest (other than any oil, gas, or mineral interest) of the United States in and to a parcel of real property consisting of approximately 400 acres, together with improvements thereon, located at Fort Chaffee, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City—

(1) shall provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine, the fair market value of which services shall be equal to the fair market value of the property conveyed pursuant to subsection (a); or

(2) shall—

(A) provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine; and

(B) in the event that the fair market value of the property conveyed pursuant to subsection (a) exceeds the fair market value of the services provided under subparagraph (A), pay to the Secretary the amount equal to such excess.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and the value of the services, if any, to be provided under paragraph (1) or (2) of subsection (b). Such determinations shall be final.

(d) USE OF PROCEEDS.—The Secretary shall deposit the amount of the consideration, if any, paid under subsection (b)(2)(B) in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of land conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2848. MODIFICATION OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) ADJUSTMENT OF BOUNDARIES.—Subsection (b) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended by adding at the end the following new paragraph:

"(3) Subsequent to the identification of the parcel of land pursuant to paragraph (1), the Secretary may, with the concurrence of appropriate representatives of Caroline County, Virginia, and the Commonwealth, make minor adjustments to the boundaries of the parcel of land identified so that the parcel of land conveyed pursuant to this section better serves the purposes intended by this section.".

(b) ACTIONS AFTER CONVEYANCE.—Subsection (c)(2) of such section is amended—

(1) in subparagraph (A), by striking out "construct and operate on such parcel of land a regional correctional facility" and inserting in lieu thereof "provide for the construction and operation of a regional correctional facility on such parcel of land"; and

(2) in subparagraph (B), by striking out "constructs and operates such facility" and inserting in lieu thereof "provides for the construction and operation of such facility".

(c) EXTENSION OF DATE FOR START OF CONSTRUCTION.—Subsection (d)(1)(A)(i) of such section is amended by striking out "24 months after the date of enactment of this Act" and inserting in lieu thereof "April 1, 1995".

Subtitle D—Other Matters

SEC. 2851. CLARIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

Section 2667(b)(4) of title 10, United States Code, is amended by inserting ", in the case of the lease of real property," after "shall provide".

SEC. 2852. STORAGE OF HAZARDOUS MATERIALS ON ARSENAL PROPERTY IN CONJUNCTION WITH THIRD-PARTY CONTRACTS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

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

"(8) the storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of the Department of Defense.".

SEC. 2853. REPORT ON CONTINUED MILITARY NEED FOR BELLOWS AIR FORCE STATION, HAWAII.

(a) REPORT REQUIRED.—The Secretary of Defense, the Secretary of the Air Force, and the Secretary of the Navy shall jointly prepare a report evaluating the military necessity of maintaining Bellows Air Force Station on the Island of Oahu, Hawaii, as a military installation of the Department of Defense.

(b) COMMUNICATION FACILITY.—As part of the report, the Secretary of the Air Force shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the communication operations currently conducted at Bellows Air Force Station and the cost of relocating such operations.

(c) MARINE CORPS TRAINING.—As part of the report, the Secretary of the Navy shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the training activities of the Marine Corps periodically conducted at Bellows Air Force Station.

(d) SUBMISSION OF REPORTS.—The report required by this section shall be submitted to Congress not later than March 1, 1993.

SEC. 2854. PROHIBITION ON COMMERCIAL DEVELOPMENT OF CALVERTON PINE BARRENS, CALVERTON, NEW YORK.

(a) PROHIBITION.—Notwithstanding any other provision of law, in the event that any parcel of the Calverton Pine Barrens is conveyed by a department or agency of the Federal Government, the instrument of conveyance shall provide for the reversion to the United States of the parcel, or any portion thereof, that is used or developed after such conveyance for commercial purposes (as determined by the head of the appropriate department or agency of the Federal Government).

(b) DEFINITION.—(1) For the purpose of this section, the term "Calverton Pine Barrens" means the parcel of real property consisting of approximately 3,243 acres of real property located at the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(2) The exact acreage and legal description of the Calverton Pine Barrens shall be determined by a survey satisfactory to the Secretary of the Navy.

SEC. 2855. TECHNICAL REVISIONS TO CERTAIN MAPS INVOLVING COASTAL BARRIER RESOURCES SYSTEM.

(a) TECHNICAL REVISIONS REQUIRED.—Not later than the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall make such technical revisions to the maps described in subsection (c) as are necessary to ensure that—

(1) on the maps referred to in subparagraphs (A) and (B) of subsection (c)(2), depictions of areas as "otherwise protected areas" do not include any area that is not an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(2) on the map referred to in subsection (c)(2)(C), depictions of areas as "otherwise protected areas" identified as "VA-60P" do not include—

(A) any area that is located south of the north bank of the Salt Ponds Inlet in Hampton, Virginia; and

(B) the area that is located north of the line described in subsection (d), other than any part of that area which is an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(3) on the map referred to in subsection (c)(2)(A), the area consisting of approximately 5,221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay shall be designated and depicted as NC-01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with subsection (b); and

(4) on the map referred to in subsection (c)(2)(C), areas designated as "otherwise protected areas" identified as "VA-60P" that are—

(A) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

(B) south of the line described in subsection (d),

shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

(b) SPECIAL RULE FOR CERTAIN REVISIONS.—In designating the units in accordance with paragraphs (3) and (4) of subsection (a), the Secretary of the Interior may make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. The local government in which the unit is located may recommend any corrections to be considered by the Secretary.

(c) MAPS DESCRIBED.—The maps referred to in subsection (a) are—

(1) included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) entitled, respectively—

(A) "Pine Island Bay Unit, NC-01P",

(B) "Roosevelt Natural Area Unit, NC-05P", and

(C) "Plum Island Unit VA-59P Long Creek Unit VA-60P".

(d) LINE DESCRIBED.—The line referred to in subsection (a)(2)(B) is a line described as follows:

Beginning at an iron pipe in the low water line of Chesapeake Bay; said iron pipe being located 265.00 feet in a southerly direction from the south eastern corner of Fox Hill Shores Subdivision (as shown in Plat Book 9, page 161 as recorded in the Circuit Court for the City of Hampton, Virginia) and from this TRUE POINT OF BEGINNING running thence North 66 degrees 47 minutes 46 seconds West 995.79 feet to a found iron pipe; thence South 15 degrees 47 minutes 20 seconds East 270.65 feet to a found iron pipe; thence South 73 degrees 59 minutes 57 seconds West 836.68 feet to a point marking the low water line of Long Creek; being known as the southerly property line of Riley's Way.

SEC. 2856. HOMEOWNERS ASSISTANCE FOR CERTAIN INDIVIDUALS AFFECTED BY HURRICANE ANDREW.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense may reimburse the persons described in subsection (b) for losses of real property owned by such persons that result from damage caused by Hurricane Andrew.

(b) ELIGIBLE PERSONS.—A person eligible for reimbursement under this section is any civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, Homestead Air Force Base, Florida, on or before August 24, 1992;

(2) incident to such assignment or employment, owned and occupied a one- or two-family dwelling, manufactured home, or condominium unit in the vicinity of Homestead Air Force Base; and

(3) as a result of the effects of Hurricane Andrew, incurred damage to the dwelling, manufactured home, or condominium unit such that—

(A) the dwelling, manufactured home, or condominium unit is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the dwelling, manufactured home, or condominium unit on August 23, 1992 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling, manufactured home, or condominium unit on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement which an eligible person may be paid for a loss of real property under this section shall be determined as follows:

(1) In the case of an eligible owner of a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 23, 1992 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of an eligible owner of a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 24, 1992, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the real property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such property in the same manner that the Secretary holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) FUNDING.—(1) Notwithstanding subsection (d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(d)), the Secretary shall make reimbursements under this section from the fund established by such subsection (d).

(2) Notwithstanding subsection (i) of such Act, there is hereby authorized to be appropriated for the fund referred to in paragraph (1) such amounts as may be necessary to carry out the purposes of this section.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $4,058,409,000, to be allocated as follows:

(1) For research and development, $1,214,900,000.

(2) For weapons testing, $375,000,000.

(3) For production and surveillance, $2,142,600,000.

(4) For program direction, $325,909,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, $28,650,000.

Project GPD-121, general plant projects, various locations, $27,350,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 93-D-123, complex-21, various locations, $26,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $35,000,000.

Project 92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $5,300,000.

Project 92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $8,700,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,900,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,300,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $50,120,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $9,200,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.

Project 88-D-122, facilities capability assurance program, various locations, $87,100,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, South Carolina, $4,865,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $3,610,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $230,845,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $128,200,000.

SEC. 3102. NEW PRODUCTION REACTORS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out new production reactor activities necessary for national security programs in the amount of $184,028,000.

(b) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the amount specified in subsection (a) reduced by $150,000,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,098,452,000, to be allocated as follows:

(1) For corrective activities—environment, $2,431,000.

(2) For corrective activities—defense programs, $7,386,000.

(3) For environmental restoration, $1,448,427,000.

(4) For waste management, $2,252,037,000.

(5) For technology development, $320,700,000.

(6) For transportation management, $19,335,000.

(7) For program direction, $48,136,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $83,285,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $1,000,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, $4,000,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-125 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $2,700,000.

Project 93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington, $8,700,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $350,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $4,495,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, $10,300,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $849,000.

Project 93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington, $1,000,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $2,000,000.

Project 93-D-188, new sanitary landfill, Savannah River, South Carolina, $2,000,000.

Project 92-D-171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $1,900,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $3,000,000.

Project 92-D-180, inter-area line upgrade, Savannah River, South Carolina, $3,170,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $8,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $3,700,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $5,860,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $3,700,000.

Project 92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $6,500,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,724,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, $1,000,000.

Project 92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $5,500,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, $10,100,000.

Project 91-EM-100, environmental and molecular sciences laboratory, Richland, Washington, $28,500,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, $21,800,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant,

Idaho National Engineering Laboratory, Idaho, $57,530,000.

Project 91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $15,300,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $981,000.

Project 90-D-103, environment, safety, and health improvements, various locations, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,315,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $7,442,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $4,753,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,000,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $41,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $4,200,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $49,950,000.

Project 89-D-173, tank farm ventillation upgrade, Richland, Washington, $7,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, $15,795,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,900,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $81,471,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $1,904,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $8,800,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $2,755,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $10,330,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $32,600,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $153,198,000, to be allocated as follows:

(1) For corrective activities—defense programs, $1,120,000.

(2) For waste management, $132,749,000.

(3) For technology development, $16,200,000.

(4) For transportation management, $465,000.

(5) For program direction, $2,664,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $23,962,000 for program savings and facility transition expenses.

(e) USE OF FUNDS.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $40,000,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3104. NUCLEAR MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,617,256,000, to be allocated as follows:

(1) For nuclear materials production, $1,418,875,000.

(2) For verification and control technology, $301,215,000.

(3) For nuclear safeguards and security, $86,837,000.

(4) For security investigations, $58,289,000.

(5) For security evaluations, $15,150,000.

(6) For nuclear safety, $25,490,000.

(7) For naval reactors, $711,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD-146, general plant projects, various locations, $32,260,000.

Project 93-D-147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $1,000,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, $800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, $2,000,000.

Project 93-D-153, uranium recovery hydrogen fluoride system upgrade, Y-12 Plant, Oak Ridge, Tennessee, $2,400,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $12,500,000.

Project 92-D-141, reactor seismic improvement, Savannah River, South Carolina, $5,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $11,700,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $8,000,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $4,100,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $3,500,000.

Project 90-D-141, Idaho Chemical Processing Plant fire protection, Idaho National Engineering Laboratory, Idaho, $1,553,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,685,000.

Project 90-D-150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $4,210,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $13,104,000.

Project 89-D-148, improved reactor confinement system, Savannah River, South Carolina, $4,240,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $11,651,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $5,647,000.

Project 85-D-145, fuel production facility, Savannah River Site, South Carolina, $17,000,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(3) For nuclear safeguards and security:

Project GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(4) For naval reactors development:

Project GPN-101, general plant projects, various locations, $8,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,200,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $7,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $13,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,900,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $80,900,000.

(2) For verification and control technology, $16,500,000.

(3) For nuclear safeguards and security, $5,327,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $60,400,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $400,000,000 for recovery of overpayment to the Savannah River Pension Fund;

(B) $45,000,000 for anticipated savings; and

(C) $31,082,000 for use of prior-year balances; and

(2) increased by $22,400,000 for education programs.

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses and capital equipment, $212,300,000 shall be available for the defense inertial confinement fusion program.

(b) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1993 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I chlorofluorocarbons (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(c) RECONFIGURATION OF NONNUCLEAR ACTIVITIES.—(1) None of the funds appropriated or otherwise made available to the Department of Energy may be obligated for the implementation of the reconfiguration of any nonnuclear activities of the Department of Energy until—

(A) the Secretary of Energy submits a report to the congressional defense committees that contains an analysis of the projected life-cycle costs and benefits of the proposed nonnuclear reconfiguration and an analysis—

(i) of the alternatives to the current configuration of nonnuclear activities of the Department of Energy identified in any environmental

documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321); and

(ii) that takes into account all relevant costs and benefits and includes a discounted cash flow analysis of each alternative;

(B) the Secretary certifies to the congressional defense committees that the discounted cash flow analysis demonstrates that the closure of each Department of Energy nonnuclear defense facility or activity identified for closure and each transfer of a nonnuclear activity pursuant to the proposed nonnuclear reconfiguration is cost effective;

(C) in the case of components for which the production is proposed to be moved to a government-owned, contractor-operated facility because of nonnuclear reconfiguration and that have been produced in a contractor-owned, contractor-operated facility after January 1, 1989, the Secretary certifies to the congressional defense committees that such production is cost-effective on a component-by-component basis;

(D) the Secretary certifies to the congressional defense committees that the reconfiguration of nonnuclear activities of the Department of Energy will not increase technological, environmental, safety, or health risks relating to the operation of the facilities of the Department; and

(E) 90 days have elapsed after the later of—

(i) the date of the submittal of the report under subparagraph (A); and

(ii) the date of the certification under subparagraph (B).

(2) This subsection may not be construed to prohibit the obligation of funds for the purpose of conducting any study or analysis that the Secretary determines necessary for assessing the cost-effectiveness, practicability, or feasibility of reconfiguring the activities of the Department of Energy to nonnuclear purposes.

(d) NUCLEAR PRODUCTION REACTORS.—Funds authorized to be appropriated under section 3102 for fiscal year 1993 and otherwise made available to the Secretary of Energy for such fiscal year for the new production reactors program shall be available only for the following purposes and in the following amounts:

(1) For close-out of the new production reactors program (including completion of documentation and test programs underway as of October 1, 1992), $136,028,000.

(2) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $30,000,000.

(3) For research on accelerator production of tritium, $18,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST FERNALD ENVIRONMENTAL MANAGEMENT PROJECT.

The Secretary of Energy may pay to the Environmental Protection Agency, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Fernald Environmental Management Project.

SEC. 3132. REPORT ON DEPARTMENT OF ENERGY CITIZEN ADVISORY GROUPS.

(a) REPORT.—Not later than May 15, 1993, the Secretary of Energy shall submit to the Congress a report on the role and effectiveness of citizen advisory groups for the Department of Energy. The report shall include an assessment of—

(1) the effectiveness of existing advisory groups that advise the Department of Energy;

(2) the desirability of establishing new or replacement advisory groups with respect to the Department of Energy; and

(3) methods of improving public participation in environmental and waste management activities of the Department of Energy.

(b) COMMENTS AND RECOMMENDATIONS.—In preparing the report required under subsection (a), the Secretary of Energy shall solicit comments and recommendations from existing advisory groups that advise the Department of Energy, the general public, environmental organizations, and appropriate officials of States in which Department of Energy facilities are located. The Secretary shall include such comments and recommendations in the report.

SEC. 3133. NUCLEAR WEAPONS COUNCIL MEMBERSHIP.

Section 179(a)(1) title 10, United States Code, is amended to read as follows:

"(1) The Under Secretary of Defense for Acquisition.".

SEC. 3134. REPORTS ON THE DEVELOPMENT OF NEW TRITIUM PRODUCTION CAPACITY.

(a) REPORT BY THE SECRETARY OF ENERGY.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the new tritium production capacity of the Department of Energy.

(2) The annual report shall include the following:

(A) An estimate of the date by which new production reactor capacity will be necessary in order to maintain the active and any reserve stockpile of nuclear weapons of the United States.

(B) An estimate of the date on which construction of such capacity should begin in order to maintain the active and any reserve stockpile.

(C) An assessment of the technical adequacy of the methods available for the production of tritium, including an assessment of the risk that each method may fail to produce tritium on a reliable basis within the period necessary for meeting the requirements of the United States.

(D) An assessment of the capability of the potential industrial suppliers of new tritium production capacity, including reactors, to design and construct such capacity by the date estimated pursuant to subparagraph (A).

(3) The Secretary shall submit the annual report in 1993 and each year thereafter until the construction of the new tritium production capacity is completed. The Secretary shall submit the report not later than 60 days after the date on which the President submits the budget to Congress under section 1105 of title 31, United States Code. The report shall be submitted in unclassified form with a classified appendix if necessary.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the technology chosen for new tritium production capacity shall be the technology that has the highest probability of successfully sustaining operation, the lowest risk of operational failure, and the lowest cost of construction and operation (including any revenues accruing to the United States from such operation).

SEC. 3135. TECHNOLOGY TRANSFER.

(a) EXPEDITED REVIEW OF AGREEMENTS WITH SMALL BUSINESSES.—Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) in subparagraph (C)(i), by striking out "Any agency" and inserting in lieu thereof "Except as provided in subparagraph (D), any agency"; and

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

"(D)(i) Any non-Federal entity that operates a laboratory pursuant to a contract with a Federal agency shall submit to the agency any cooperative research and development agreement that the entity proposes to enter into with a small business firm and the joint work statement required with respect to that agreement.

"(ii) A Federal agency that receives a proposed agreement and joint work statement under clause (i) shall review and approve, request specific modifications to, or disapprove the proposed agreement and joint work statement within 30 days after such submission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the agreement and approval of a joint work statement under this clause.

"(iii) In any case in which an agency which has contracted with an entity referred to in clause (i) disapproves or requests the modification of a cooperative research and development agreement or joint work statement submitted under that clause, the agency shall transmit a written explanation of such disapproval or modification to the head of the laboratory concerned.".

(b) TECHNOLOGY TRANSFER TO SMALL BUSINESSES.—(1) The Secretary of Energy shall establish a program to facilitate and encourage the transfer of technology to small businesses and shall issue guidelines relating to the program not later than May 1, 1993.

(2) For the purposes of this subsection, the term "small business" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(c) FUNDING.—Funds authorized to be appropriated to the Department of Energy and made available for laboratory directed research and development shall be available for cooperative research and development agreements or other arrangements for technology transfer.

SEC. 3136. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the first sentence, by striking out "or construction management at the Hanford Reservation, Washington," and all that follows through the period, and inserting in lieu thereof the following: "or construction management—

"(i) at the Hanford Reservation, Washington, to loan personnel in accordance with this section to the community development organization known as the Tri City Industrial Development Council serving Benton and Franklin Counties, Washington; and

"(ii) at the Idaho National Engineering Laboratory, Idaho, to loan personnel in accordance with this section to any community-based organization."; and

(3) by striking out the second sentence and inserting in lieu thereof the following:

"(B) Any loan under subparagraph (A) shall be for the purpose of assisting in the diversification of the local economy by reducing reliance by local communities on national security programs at the Hanford Reservation and the Idaho National Engineering Laboratory.".

(b) FUNDING.—Subsection (a)(3) of such section is amended by inserting after the first sentence the following: "In fiscal year 1993, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $125,000 with respect to the Hanford Reservation. In each of fiscal years 1993 and 1994, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $250,000 with respect to the Idaho National Engineering Laboratory.".

(c) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such section is amended by inserting "or the Idaho National Engineering Laboratory, Idaho," after "Hanford Reservation, Washington,".

(d) DURATION OF PROGRAM.—Subsection (c) of such section is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993, with respect to the Hanford Reservation, and September 30, 1994, with respect to the Idaho National Engineering Laboratory".

SEC. 3137. STUDY OF CONVERSION OF NEVADA TEST SITE FOR USE FOR SOLAR ENERGY PRODUCTION PURPOSES.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of the Environmental Protection Agency, shall carry out and submit to Congress a study on the utilization of the Nevada Test Site, Nevada, or portions thereof, for the development of—

(1) solar energy research and production technologies;

(2) environmental technologies research and testing; and

(3) emergency management and response technology.

(b) STUDY ELEMENTS.—In carrying out the study under subsection (a), the Secretary of Energy shall consider the following:

(1) The potential of the Nevada Test Site for solar energy production from a variety of solar energy production technologies, including technologies for the production of thermal energy and photovoltaic energy.

(2) The costs and benefits of the use of the site for development of the technologies.

(3) The effect of the development of the Nevada Test Site on the economy and employment rates in the region in which the Nevada Test Site is located.

(4) The effectiveness of plans for retraining current employees at the Nevada Test Site for employment in technologies addressed by the study.

(5) The effect of the development of the various technologies at the Nevada Test Site on the manufacturing and export economy of the United States.

(6) The extent to which the development of technologies at the Nevada Test Site is compatible with current and proposed alternative uses of the Site, including the compatibility of such development with environmental restoration and other clean-up activities at the Site and with continuing use of the Site for limited nuclear testing.

(7) The extent to which the conduct of such activities at the Nevada Test Site would duplicate the conduct of activities undertaken at other Federal facilities.

(8) The extent to which alternative uses of the Site would be consistent with projected and potential national security uses, including nuclear explosives testing of the Site.

(9) The extent to which conversion and development of the Site as a commercial facility is practicable and feasible.

Subtitle D—International Fissile Material and Warhead Control

SEC. 3151. NEGOTIATIONS.

(a) IN GENERAL.—The Congress urges the President to enter into negotiations with member states of the Commonwealth of Independent States, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear weapons.

(2) The safeguard and permanent disposal of nuclear materials.

(3) An end by the United States and member states of the Commonwealth of Independent States to the production of plutonium and highly enriched uranium for nuclear weapons.

(4) The extension of negotiations on these issues to all nations capable of producing nuclear weapons materials.

(b) EXCHANGES OF INFORMATION.—The Congress urges the President, in order to establish a

data base on production capabilities of member states of the Commonwealth of Independent States and their stockpiles of fissile materials and nuclear weapons, to seek to achieve agreements with such states to reciprocally release information on—

(1) United States and the member states nuclear weapons stockpiles, including the number of warheads and bombs by type, and schedules for weapons production and dismantlement;

(2) the location, mission, and maximum annual production capacity of United States and member states facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(3) the inventory of United States and member states facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(4) United States and members states stockpiles of plutonium and highly enriched uranium used for nuclear weapons.

(c) TECHNICAL WORKING GROUPS.—The Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to establish with member states of the Commonwealth of Independent States and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of nuclear material production facilities and the size of stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads; and

(3) bilateral or multilateral agreements to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) REPORT.—The President shall submit to the Congress, not later than March 31, 1993, a report on the progress made by the President in implementing the actions called for in subsections (a) through (c).

(e) PRODUCTION BY COMMONWEALTH OF INDEPENDENT STATES.—The Congress urges the Presidents of the member states of the Commonwealth of Independent States—

(1) to institute a moratorium on production of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States does not produce such materials.

SEC. 3152. AUTHORITY TO RELEASE CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

"f. Notwithstanding any other law, the President may publicly release Restricted Data regarding the nuclear weapons stockpile of the United States if the United States and member states of the Commonwealth of Independent States reach reciprocal agreement on the release of such data.".

SEC. 3153. DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) PROGRAM.—Of funds authorized to be appropriated in section 3104 for fiscal year 1993 for verification and control activities, $10,000,000 shall be available only to carry out a program—

(1) to develop and demonstrate a means for verifiable dismantlement of nuclear warheads;

(2) to safeguard and dispose of nuclear materials; and

(3) to develop reliable techniques and procedures for verifying a global ban on the production of fissile materials for weapons purposes.

(b) REPORT.—The Secretary shall include a report on such program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1994. The report shall be submitted in both classified and unclassified form.

SEC. 3154. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

Subtitle E—Defense Nuclear Workers

SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Upon determination that a change in the workforce at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the "Secretary") shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account—

(1) the reconfiguration of the defense nuclear facility; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing a plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at a Department of Energy defense nuclear facility—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) The Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Part D of Public Law 101-510; 10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall, subject to the availability of appropriations for such purpose, work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out a plan required under subsection (a).

(e) PLAN UPDATES.—Not later than one year after issuing a plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(f) SUBMITTAL TO CONGRESS.—(1) The Secretary shall submit to Congress a plan referred to in subsection (a) with respect to a defense nuclear facility within 90 days after the date on which a notice of changes described in subsection (c)(1)(B) is provided to employees of the facility, or 90 days after the date of the enactment of this Act, whichever is later.

(2) The Secretary shall submit to Congress any updates of the plan under subsection (e) immediately upon completion of any such update.

SEC. 3162. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—(1) The Secretary shall, with the concurrence of the Secretary of Health and Human Services, issue regulations under which the Secretary shall implement the program. Such regulations shall, to the extent practicable, provide for a process to—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) identify employees referred to in subparagraph (A) who received a level of exposure identified under paragraph (2)(B);

(C) determine the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to employees who have received a level of exposure identified under paragraph (2)(B) to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) make available the evaluations and tests referred to in subparagraph (C) to the employees referred to in such subparagraph;

(E) ensure that privacy is maintained with respect to medical information that personally identifies any such employee; and

(F) ensure that employee participation in the program is voluntary.

(2)(A) In determining the most appropriate means of carrying out the activities referred to in subparagraphs (A) through (D) of paragraph (1), the Secretary shall consult with the Secretary of Health and Human Services under the agreement referred to in subsection (c).

(B) The Secretary of Health and Human Services, with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall identify the levels of exposure to the substances referred to in subparagraph (A) of paragraph (1) that present employees referred to in such subparagraph with significant health risks under Federal and State occupational, health, and safety standards;

(3) In prescribing the guidelines referred to in paragraph (1), the Secretary shall consult with representatives of the following entities:

(A) The American College of Occupational and Environmental Medicine.

(B) The National Academy of Sciences.

(C) The National Council on Radiation Protection.

(D) Any labor organization or other collective bargaining agent authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(4) The Secretary shall provide for each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) to be notified by the appropriate medical personnel of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(5) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(6) The Secretary shall commence carrying out the program described in this subsection not later than 1 year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services relating to the establishment and conduct of the program required and regulations issued under this section.

SEC. 3163. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Department of Energy defense nuclear facility" means—

(A) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

(B) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(C) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

(D) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(E) any facility described in paragraphs (1) through (4) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) The term "Department of Energy employee" means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1993, $13,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power sources, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Europe and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science centers in Ukraine and Russia; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Modernization Program

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "National Defense Stockpile" and "stockpile" mean the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	*Quantity*
Aluminum Oxide, Abrasive Grain	*51,022 short tons*
Aluminum Oxide, Fused Crude	*249,867 short tons*
Antimony	*2,007 short tons*
Asbestos, Chrysotile	*3,004 short tons*
Bauxite, Metal Grade, Jamaican	*12,457,740 long tons*
Bauxite, Metal Grade, Surinam	*5,299,597 long tons*
Bauxite, Refactory	*207,067 long tons*
Beryl Ore	*17,729 short tons*
Bismuth	*1,825,955 pounds*
Cadmium	*6,328,570 pounds*
Chromite, Chemical Grade Ore	*208,414 short dry tons*

Authorized Stockpile Disposals—Continued

Material for disposal	*Quantity*
Chromite, Metallurgical Grade Ore	*1,511,356 short dry tons*
Chromite, Refractory Grade Ore	*232,414 short dry tons*
Chromium, Ferro	*576,526 short tons*
Cobalt	*13,000,000 pounds of contained cobalt*
Copper	*29,641 short tons*
Diamond, Bort	*4,001,334 carats*
Diamond Stones	*2,422,075 carats*
Fluorspar, Acid Grade	*892,856 short dry tons*
Fluorspar, Metallurgical Grade	*410,822 short dry tons*
Germanium	*713 kilograms*
Graphite, Natural, Malagasy, Crystalline	*10,573 short tons*
Graphite, Natural, Other than Ceylon & Malagasy	*2,803 short tons*
Iodine	*5,835,022 pounds*
Jewel bearings	*51,778,337 pieces*
Lead	*610,053 short tons*
Manganese, Ferro	*938,285 short tons*
Manganese Ore, Metallurgical Grade	*1,627,425 short dry tons*
Manganese, Battery Grade, Natural Ore	*68,226 short dry tons*
Manganese, Battery Grade, Synthetic Dioxide	*3,011 short dry tons*
Mercury	*128,026 flasks (76-pounds)*
Mica, Phlogopite Splittings	*963,251 pounds*
Nickel	*37,214 short tons*
Quartz Crystals, Natural	*800,000 pounds*
Rutile	*39,200 short tons*
Sapphire & Ruby	*16,305,502 carats*
Sebacic Acid	*5,009,697 pounds*
Silicon Carbide	*28,774 short tons*
Silver	*83,951,492 troy ounces*
Tin	*141,278 metric tons*
Vegetable Tannin, Chestnut	*4,976 long tons*
Vegetable Tannin, Quebracho	*28,832 long tons*
Vegetable Tannin, Wattle	*15,000 long tons*
Zinc	*378,768 short tons*

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the stockpile may not be used unless and until the President submits to Congress a revised annual materials plan under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(b)) that—

(1) complies with the requirements of section 10(c) of such Act (50 U.S.C. 98h–1), as added by section 3314; and

(2) contains the certification of the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of such Act (50 U.S.C. 98h–5(b)).

(c) REQUIRED USE OF PREVIOUS DISPOSAL AUTHORITIES.—(1) The President shall complete the disposal of all quantities of materials in the National Defense Stockpile that—

(A) have been previously authorized for disposal by law; and

(B) have not been disposed of before the date of the enactment of this Act.

(2) The disposal of materials required by this subsection shall be completed before the end of the five-year period beginning on October 1, 1992, unless the President notifies Congress that the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)), as added by section 3314, determines that completion of the disposal of such materials during such period would result in the undue disruption of the usual markets of such materials. The notification shall also indicate the date on which the disposal of such materials will be completed.

(d) SPECIAL LIMITATION REGARDING SILVER.—(1) The disposal of silver under this section may only occur in the form of coins or, subject to paragraph (2), as material furnished by the Federal Government to a contractor for the use of the contractor in the performance of a Federal Government contract.

(2) A contractor receiving silver as Government furnished material shall pay the Federal Government the amount equal to the fair market value of the silver, as determined by the National Defense Stockpile Manager. The amount paid by the contractor for the silver shall be deposited in the National Defense Stockpile Transaction Fund.

(e) SPECIAL LIMITATION REGARDING CHROMITE AND MANGANESE ORES.—During fiscal year 1993, the disposal of chromite and manganese ores of metallurgical grade under subsection (a) may be made only for processing within the United States and the territories and possessions of the United States.

(f) SPECIAL LIMITATION REGARDING CHROMIUM AND MANGANESE FERRO.—The disposal of chromium ferro and manganese ferro under subsection (a) may not commence before October 1, 1993.

(g) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

SEC. 3303. USE OF BARTER ARRANGEMENTS IN MODERNIZATION PROGRAM.

The President may enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile.

SEC. 3304. DEPOSIT OF PROCEEDS FROM DISPOSALS IN THE NATIONAL DEFENSE STOCKPILE FUND.

All moneys received from the sale of materials under section 3302 shall be deposited in the National Defense Stockpile Transaction Fund.

SEC. 3305. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) USE FOR ACQUISITIONS AND OTHER PURPOSES.—During fiscal year 1993, the National Defense Stockpile Manager may obligate up to $66,000,000 of the funds in the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) RESEARCH AND DEVELOPMENT PROGRAMS.—Of the amount specified in subsection (a), $25,000,000 may be obligated for materials development and research under subparagraph (G) of such section.

SEC. 3306. ADVISORY COMMITTEE REGARDING OPERATION AND MODERNIZATION OF THE STOCKPILE.

(a) APPOINTMENT.—Not later than March 15, 1993, the President shall appoint an advisory committee under section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(a)) to make recommendations to the President concerning the operation and modernization of the National Defense Stockpile.

(b) MEMBERSHIP.—The committee shall consist of members who have expertise regarding strategic and critical materials, including—

(1) employees of Federal agencies (including the Department of Defense, the Department of State, the Department of Commerce, the Department of Energy, the Department of the Treasury, the Department of the Interior, and the Federal Emergency Management Agency);

(2) representatives of mining, processing, and fabricating industries and consumers that would be affected by the acquisition of materials for the stockpile or the disposal of materials from the stockpile; and

(3) other interested persons or representatives of interested organizations.

SEC. 3307. SPECIAL RULE FOR 1993 REPORT ON STOCKPILE REQUIREMENTS.

In the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, the following information:

(1) A list of recommendations with respect to stockpile requirements that is based upon and

consistent with the planning assumptions and scenarios that support—

(A) the defense capabilities and programs of the Armed Forces specified in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 1994; and

(B) the future-years defense program submitted under section 221 of title 10, United States Code, with respect to that budget.

(2) An explanation of the reasons for any deviation between the Secretary's recommendations with respect to stockpile requirements prepared under section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(a)) and the list of recommendations with respect to stockpile requirements required by paragraph (1).

SEC. 3308. CONFORMING AMENDMENTS.

Part A of title XXXIII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1583) is amended—

(1) in sections 3301(a), 3301(d), and 3302(a), by striking out "fiscal years 1992 and 1993" and inserting in lieu thereof "fiscal year 1992"; and

(2) in sections 3301(a), 3301(d), and 3302(b), by striking out "each of such fiscal years" and inserting in lieu thereof "such fiscal year".

Subtitle B—Programmatic Changes

SEC. 3311. PROCEDURES FOR CHANGING OBJECTIVES FOR STOCKPILE QUANTITIES ESTABLISHED AS OF THE END OF FISCAL YEAR 1987.

Section 3(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following new paragraph:

"(2) The President shall notify Congress in writing of any change proposed to be made in the quantity of any material to be stockpiled. The President may make the change effective on or after the 30th legislative day following the date of the notification. The President shall include a full explanation and justification for the proposed change with the notification. For purposes of this paragraph, a legislative day is a day on which both Houses of Congress are in session.".

SEC. 3312. REPEAL OF LIMITATION ON EXCESS BALANCE IN FUND.

Section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) is amended—

(1) by striking out "(1)"; and

(2) by striking out ", or (2)" and all that follows through "$100,000,000." and inserting in lieu thereof a period.

SEC. 3313. AUTHORIZED PURPOSES FOR EXPENDITURES FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) MAINTENANCE AND DISPOSAL OF MATERIALS.—Section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting ", maintenance, and disposal" after "acquisition"; and

(B) by striking out "section 6(a)(1)" and inserting in lieu thereof "section 6(a)"; and

(2) in paragraph (2)(B), by striking out "such acquisition" and inserting in lieu thereof "such acquisition, maintenance, and disposal".

(b) REHABILITATION OF FACILITIES AND DISPOSAL OF HAZARDOUS MATERIALS.—Paragraph (2) of such section is further amended by adding at the end the following new subparagraphs:

"(H) Improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials.

"(I) Disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law.".

(c) PROHIBITION ON USE OF FUNDS FOR EMPLOYEE SALARIES AND EXPENSES.—Such section is further amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (2), moneys in the fund may not be used to pay salaries and expenses of stockpile employees.".

SEC. 3314. MARKET IMPACT COMMITTEE.

Section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1) is amended by adding at the end the following new subsection:

"(c)(1) The President shall appoint a Market Impact Committee composed of representatives from the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of State, the Department of the Treasury, and the Federal Emergency Management Agency, and such other persons as the President considers appropriate. The representatives from the Department of Commerce and the Department of State shall be Cochairmen of the Committee.

"(2) The Committee shall advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile that are proposed to be included in the annual materials plan submitted to Congress under section 11(b), or in any revision of such plan, and shall submit to the manager the Committee's recommendations regarding those acquisitions and disposals.

"(3) The annual materials plan or the revision of such plan, as the case may be, shall contain—

"(A) the views of the Committee on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile;

"(B) the recommendations submitted by the Committee under paragraph (2); and

"(C) for each acquisition or disposal provided for in the plan or revision that is inconsistent with a recommendation of the Committee, a justification for the acquisition or disposal.

"(4) In developing recommendations for the National Defense Stockpile Manager under paragraph (2), the Committee shall consult from time to time with representatives of producers, processors, and consumers of the types of materials stored in the stockpile.".

SEC. 3315. CLARIFICATION OF THE STOCKPILE STATUS OF CERTAIN MATERIALS.

All materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are hereby transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the National Defense Stockpile Manager as provided in the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $142,565,000 for fiscal year 1993 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1993".

Subtitle A—Annual Authorization

SEC. 3511. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—For fiscal year 1993, the Panama Canal Commission (subject to subsection (b)) may make such expenditures and, without regard to fiscal year limitations, may enter into such contracts and commitments, within the limits of funds and borrowing authority available to it in accordance with law, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1993.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—For fiscal year 1993, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $51,156,000 for administrative expenses, of which not more than—

(1) $12,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $6,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) $34,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) PURCHASE OF PASSENGER VEHICLES.—Funds available to the Panama Canal Commission may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) to be used to transport Commission personnel across the Isthmus of Panama. A passenger motor vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission. No passenger motor vehicle may be purchased with such funds for a price in excess of $18,000.

SEC. 3512. HEALTH CARE.

Section 1321(e)(1) of the Panama Canal Act of 1979 (22 U.S.C. 3731) is amended by inserting after "health care services" the following: "provided by medical facilities licensed and approved by the Republic of Panama (and not operated by the United States)".

SEC. 3513. VESSEL TONNAGE MEASUREMENT.

Section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792) is amended in the first sentence by inserting ", or its equivalent," after "net vessel tons of one hundred cubic feet each of actual earning capacity".

SEC. 3514. CONSISTENCY WITH PANAMA CANAL TREATIES OF 1977 AND IMPLEMENTING LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and laws of the United States implementing those treaties.

Subtitle B—Composition and Dissolution of Commission

SEC. 3521. COSTS OF DISSOLUTION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1304 the following:

"DISSOLUTION OF COMMISSION

"SEC. 1305. (a)(1) The Commission shall conduct a study of—

"(A) the costs associated with the dissolution of the Commission, including the composition, location, and costs of the office authorized to be established under subsection (b); and

"(B) costs and liabilities incurred or administered by the Commission that will not be paid before the date of that dissolution.

"(2) The Commission shall submit to the Congress, by not later than September 30, 1996, a report on the findings and conclusions of the study under this subsection. The report shall include an estimate of the period of time which may be required to close out the affairs of the Commission after the termination of the Panama Canal Treaty of 1977.

"(b) The Commission shall during fiscal year 1998 establish an office to close out the affairs of the Commission that are still pending after the termination of the Panama Canal Treaty of 1977.

"(c)(1) There is established in the Treasury of the United States a fund to be known as the 'Panama Canal Commission Dissolution Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the Commission until the termination of the Panama Canal Treaty of 1977 and by the office established under subsection (b) thereafter.

"(2)(A) Subject to paragraph (5), the Fund shall be available after September 30, 1998, to pay—

"(i) the costs of operating the office established under subsection (b); and

"(ii) the costs and liabilities associated with dissolution of the Commission, including such costs incurred or identified after the termination of the Panama Canal Treaty of 1977.

"(B) Payments from the Fund made during the period beginning on October 1, 1998, and ending with the termination of the Panama Canal Treaty of 1977 shall be subject to the approval of the Board provided for in section 1102.

"(3) The Fund shall consist of—

"(A) such amounts as may be deposited into the Fund by the Commission, from amounts collected as toll receipts, to pay the costs described in paragraph (2); and

"(B) amounts credited to the Fund under paragraph (4).

"(4)(A) The Secretary of the Treasury shall invest excess amounts in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the manager of the Fund.

"(B) Securities invested under subparagraph (A) shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(C) Interest earned on securities invested under subparagraph (A) shall be credited to and form part of the Fund.

"(5) Amounts in the Fund may not be obligated or expended in any fiscal year unless the obligation or expenditure is specifically authorized by law.

"(6) The Fund shall terminate on October 1, 2004. Amounts in the Fund on that date shall be deposited in the general fund of the Treasury of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF TOLL RECEIPTS.—Section 1302(c) of the Panama Canal Act of 1979 (22 U.S.C. 3712(c)) is amended—

(A) in paragraph (1), by inserting after "toll receipts" in the first sentence the following: "(other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305)"; and

(B) in paragraph (3)(A), by inserting "and the Panama Canal Dissolution Fund" after "Panama Canal Revolving Fund".

(2) BASES OF TOLLS.—Section 1602(b) of the Panama Canal Act of 1979 (22 U.S.C. 3792(b)) is amended by striking "Panama Canal," and inserting "Panama Canal (including costs authorized to be paid from the Panama Canal Dissolution Fund under section 1305(c)),".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1304 the following new item:

"1305. Dissolution of Commission.".

SEC. 3522. RECOMMENDATIONS BY PRESIDENT ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The President shall conduct a study and, if warranted, develop a plan setting forth recommendations for such changes, if any, to the Panama Canal Commission for the operation of the Panama Canal during the period before the termination of the Panama Canal Treaty of 1977 as the President determines would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The President shall submit the study and, if warranted, plan to Congress, together with a legislative proposal containing any changes to existing law required to implement the plan, not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF PLAN.—Recommendations to the President for purposes of the study and plan required by subsection (a) shall be prepared with the participation of a representative of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) PLAN TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The study and, if warranted, plan submitted by the President pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

SEC. 3523. REPORT BY COMPTROLLER GENERAL ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The Comptroller General shall submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission and setting forth recommendations for such changes to that structure as the Comptroller General determines would, if implemented, enable the Commission to operate more efficiently and, thereby, serve as a model for the Government of Panama for the operation of the Panama Canal after the transfer of the Panama Canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The Comptroller General shall submit the report to Congress not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF REPORT.—In developing the report required by subsection (a), the Comptroller General shall seek the views of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) REPORT TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The recommendations in the report submitted by the Comptroller General pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 4001. SHORT TITLE.

This division may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Act of 1992".

TITLE XLI—FINDINGS

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The collapse of communism in Eastern Europe and the dissolution of the Soviet Union have fundamentally changed the military threat that formed the basis for the national security policy of the United States since the end of World War II.

(2) The change in the military threat presents a unique opportunity to restructure and reduce the military requirements of the United States.

(3) As the United States proceeds with the post-Cold War defense build down, the Nation must recognize and address the impact of reduced defense spending on the military personnel, civilian employees, and defense industry workers who have been the foundation of the national defense policies of the United States.

(4) The defense build down will have a significant impact on communities as procurements are reduced and military installations are closed and realigned.

(5) Despite the changes in the military threat, the United States must maintain the capability to respond to regional conflicts that threaten the national interests of the United States, and to reconstitute forces in the event of an extended conflict.

(6) The skills and capabilities of military personnel, civilian employees of the Department of Defense, defense industry workers, and defense industries represent an invaluable national resource that can contribute to the economic growth of the United States and to the long-term vitality of the national technology and industrial base.

(7) Prompt and vigorous implementation of defense conversion, and transition assistance programs is essential to ensure that the defense build down is structured in a manner that—

(A) enhances the long-term ability of the United States to maintain a strong and vibrant national technology and industrial base; and

(B) promotes economic growth.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

Subtitle A—Purposes and Establishment of New Chapter in Title 10

SEC. 4201. PURPOSES.

The purposes of this title are to consolidate, revise, clarify, and reenact policies and requirements, and to enact additional policies and requirements, relating to the national technology and industrial base, defense reinvestment, and defense conversion programs that further national security objectives.

SEC. 4202. ESTABLISHMENT OF NEW CHAPTER IN TITLE 10.

(a) REPEAL AND REDESIGNATION OF EXISTING PROVISIONS.—Chapter 148 (other than sections 2504 through 2507), chapter 149 (other than sections 2517 and 2518), and chapter 150 (other than sections 2524, 2525, and 2526) of title 10, United States Code, are repealed. Sections 2504, 2505, 2506, and 2507 of such title are redesignated as sections 2531, 2532, 2533, and 2534, respectively.

(b) NEW CHAPTER 148.—Part IV of subtitle A of title 10, United States Code, is amended by inserting before section 2531, as so redesignated, the following new chapter 148:

"CHAPTER 148—NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION

"Subchapter	Sec.
"I. Definitions	2491
"II. Policies and Planning	2501
"III. Programs for Development, Application, and Support of Dual-Use Technologies	2511
"IV. Manufacturing Technology and Dual-Use Assistance Extension Programs	2521
"V. Miscellaneous Technology Base Policies and Programs	2531

"SUBCHAPTER I—DEFINITIONS

"Sec.
"2491. Definitions.

"SUBCHAPTER II—POLICIES AND PLANNING

"Sec.
"2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion.

"2502. National Defense Technology and Industrial Base Council.
"2503. National defense program for analysis of the technology and industrial base.
"2504. Center for the Study of Defense Economic Adjustment.
"2505. National technology and industrial base: periodic defense capability assessments.
"2506. National technology and industrial base: periodic defense capability plan.
"2507. Data collection authority of President.

"SUBCHAPTER III—PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

"Sec.
"2511. Defense dual-use critical technology partnerships.
"2512. Commercial-military integration partnerships.
"2513. Regional technology alliances assistance program.
"2514. Encouragement of technology transfer.
"2515. Office of Technology Transition.
"2516. Military-Civilian Integration and Technology Transfer Advisory Board
"2517. Office for Foreign Defense Critical Technology Monitoring and Assessment.
"2518. Overseas foreign critical technology monitoring and assessment financial assistance program.

"SUBCHAPTER IV—MANUFACTURING TECHNOLOGY AND DUAL-USE ASSISTANCE EXTENSION PROGRAMS

"Sec.
"2521. National Defense Manufacturing Technology Program.
"2522. Defense Advanced Manufacturing Technology Partnerships.
"2523. Manufacturing extension programs.
"2524. Defense dual-use assistance extension program.

"SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE POLICIES AND PROGRAMS

"Sec.
"2531. Defense memoranda of understanding and related agreements.
"2532. Offset policy; notification.
"2533. Limitation on use of funds: procurement of goods which are other than American goods.
"2534. Miscellaneous limitations on the procurement of goods other than United States goods.
"2535. Defense Industrial Reserve.".

(c) REFERENCE.—A reference in this title to chapter 148 shall be considered to be a reference to chapter 148 of title 10, United States Code, as added by subsection (b).

SEC. 4203. DEFINITIONS.

(a) IN GENERAL.—Subchapter I of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2491. Definitions

"In this chapter:

"(1) The term 'national technology and industrial base' means the persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and Canada.

"(2) The term 'dual-use' with respect to products, services, standards, processes, or acquisition practices, means products, services, standards, processes, or acquisition practices, respectively, that are capable of meeting requirements for military and nonmilitary application.

"(3) The term 'dual-use critical technology' means a critical technology that has military applications and nonmilitary applications.

"(4) The term 'technology and industrial base sector' means a group of public or private persons and organizations that engage in, or are capable of engaging in, similar research, development, or production activities.

"(5) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

"(6) The term 'critical technology' means a technology that is—

"(A) a national critical technology; or

"(B) a defense critical technology.

"(7) The term 'national critical technology' means a technology that appears on the list of national critical technologies contained in the most recent biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(8) The term 'defense critical technology' means a technology that appears on the list of critical technologies contained, pursuant to subsection (f) of section 2505 of this title, in the most recent national technology and industrial base assessment submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of this title.

"(9) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

"(10) The term 'manufacturing technology' means techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality control, shop floor management, inventory management, and worker training, as well as manufacturing equipment and software.

"(11) The term 'manufacturing extension program' means a public or private, nonprofit program for the improvement of the quality, productivity, and performance of United States-based small manufacturing firms in the United States.

"(12) The term 'United States-based small manufacturing firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees; and

"(C) is an eligible firm.".

(b) TRANSITION PROVISION.—Until the first national technology and industrial base assessment is submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of title 10, United States Code, as added by section 4216, the term "defense critical technology" for the purposes of chapter 148 of such title, as added by section 4202, shall have the meaning given such term in section 2521 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act.

Subtitle B—Defense Policies and Planning Concerning National Technology and Industrial Base, Reinvestment, and Conversion

SEC. 4211. CONGRESSIONAL DEFENSE POLICY CONCERNING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Subchapter II of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion

"(a) DEFENSE POLICY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—It is the policy of Congress that the national technology and industrial base be capable of meeting the following national security objectives:

"(1) Supplying and equipping the force structure of the armed forces that is necessary to achieve—

"(A) the objectives set forth in the national security strategy report submitted to Congress by the President pursuant to section 104 of the National Security Act of 1947 (50 U.S.C. 404a);

"(B) the policy guidance of the Secretary of Defense provided pursuant to section 113(g) of this title; and

"(C) the future-years defense program submitted to Congress by the Secretary of Defense pursuant to section 221 of this title.

"(2) Sustaining production, maintenance, repair, and logistics for military operations of various durations and intensity.

"(3) Maintaining advanced research and development activities to provide the armed forces with systems capable of ensuring technological superiority over potential adversaries.

"(4) Reconstituting within a reasonable period the capability to develop and produce supplies and equipment, including technologically advanced systems, in sufficient quantities to prepare fully for a war, national emergency, or mobilization of the armed forces before the commencement of that war, national emergency, or mobilization.

"(b) POLICY OBJECTIVES RELATING TO DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION.—It is the policy of Congress that, during a period of reduction in defense expenditures, the United States further the national security objectives set forth in subsection (a) through programs of reinvestment, diversification, and conversion of defense resources that—

"(1) promote economic growth in high-wage, high-technology industries and preserve the industrial and technical skill base;

"(2) promote economic growth through further reduction of the Federal budget deficit and thereby free up capital for private investment and job creation in the civilian sector;

"(3) bolster the national technology base, including support and exploitation of critical technologies with both military and civilian application;

"(4) support retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security;

"(5) assist those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities; and

"(6) assist small businesses adversely affected by reductions in defense expenditures.

"(c) CIVIL-MILITARY INTEGRATION POLICY.—It is the policy of Congress that the United States attain the national technology and industrial base objectives set forth in subsection (a) through acquisition policy reforms that have the following objectives:

"(1) Relying, to the maximum extent practicable, upon the commercial national tech-

nology and industrial base that is required to meet the national security needs of the United States.

"(2) Reducing the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on Department of Defense business.

"(3) Reducing Federal Government barriers to the use of commercial products, processes, and standards.".

SEC. 4212. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.

(a) ESTABLISHMENT OF COUNCIL.—Subchapter II of chapter 148, as amended by section 4211, is further amended by inserting after section 2501 the following:

"§2502. National Defense Technology and Industrial Base Council

"(a) ESTABLISHMENT.—There is a National Defense Technology and Industrial Base Council.

"(b) COMPOSITION.—The Council is composed of the following members:

"(1) The Secretary of Defense, who shall serve as chairman.

"(2) The Secretary of Energy.

"(3) The Secretary of Commerce.

"(4) The Secretary of Labor

"(5) Such other officials as may be determined by the President.

"(c) RESPONSIBILITIES.—The Council shall have the following responsibilities:

"(1) To ensure effective cooperation among departments and agencies of the Federal Government, and to provide advice and recommendations to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor, concerning—

"(A) the capabilities of the national technology and industrial base to meet the national security objectives set forth in section 2501(a) of this title;

"(B) programs for achieving, during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title; and

"(C) changes in acquisition policy that strengthen the national technology and industrial base.

"(2) To provide overall policy guidance to ensure effective implementation by agencies of the Federal Government of defense reinvestment and conversion activities during a period of reduction in defense expenditures.

"(3) To prepare the periodic assessment and the periodic plan required by sections 2505 and 2506 of this title, respectively.".

(b) ECONOMIC ADJUSTMENT COMMITTEE.—Section 4004 of the Defense Economic Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note) is amended—

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

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) CHAIRMAN.—Until October 1, 1997, the Secretary of Defense shall be the chairman of the Committee. After that, the chairmanship shall rotate annually among the Secretary of Defense, Secretary of Labor, and the Secretary of Commerce.

"(c) EXECUTIVE COUNCIL.—Until October 1, 1997, the National Defense Technology and Industrial Base Council shall function as an Executive Council of the Committee. Under the direction of the chairman of the Committee, the Executive Council shall develop policies and procedures to ensure that communities, businesses, and workers substantially and seriously affected by reductions in defense expenditures are advised of the assistance available to such communities, businesses, and workers under programs administered by the departments and agency comprising the Council.".

SEC. 4213. NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.

(a) ESTABLISHMENT OF PROGRAM.—Subchapter II of chapter 148, as amended by section 4212, is further amended by inserting after section 2502 the following:

"§2503. National defense program for analysis of the technology and industrial base

"(a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish a program for analysis of the national technology and industrial base.

"(2) As determined by the Secretary of Defense, the program shall be administered by one of the following:

"(A) An existing federally funded research and development center.

"(B) A consortium of existing federally funded research and development centers and other nonprofit entities.

"(C) A private sector entity (other than a federally funded research and development center).

"(D) The National Defense University.

"(3) A contract may be awarded under subparagraph (A), (B), or (C) of paragraph (2) only through the use of competitive procedures.

"(4) The Secretary of Defense shall ensure that there is appropriate coordination between the program and the Critical Technologies Institute.

"(b) SUPERVISION OF PROGRAM.—The Secretary of Defense shall carry out the program through the Under Secretary of Defense for Acquisition. In carrying out the program, the Under Secretary shall consult with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor.

"(c) FUNCTIONS.—The functions of the program shall include, with respect to the national technology and industrial base, the following:

"(1) The assembly of timely and authoritative information.

"(2) Initiation of studies and analyses.

"(3) Provision of technical support and assistance to—

"(A) the National Defense Technology and Industrial Base Council in the preparation of the periodic assessments required by section 2505 of this title and the periodic plans required by section 2506 of this title;

"(B) the defense acquisition university structure and its elements; and

"(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

"(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.".

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the program required by section 2503 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act. The Secretary of Defense shall ensure that a contract solicitation is issued and a contract is awarded in a timely manner to facilitate the establishment of that program within the period set forth in the preceding sentence. The preceding sentence shall not apply if the Secretary determines that the program shall be administered by the National Defense University.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $5,000,000 shall be available for the program for analysis of the national technology and industrial base established pursuant to section 2503 of title 10, United States Code, as added by subsection (a).

SEC. 4214. CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.

(a) CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.—Subchapter II of chapter 148, as amended by section 4213, is further amended by inserting after section 2503 the following:

"§2504. Center for the Study of Defense Economic Adjustment

"(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish within the National Defense University a Defense Economic Adjustment Center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The Center shall be affiliated with the Industrial College of the Armed Forces and the Institute for National Strategic Studies of the National Defense University. The activities of the Center shall be integrated with existing activities and studies regarding acquisition, mobilization, the defense industrial base, and reconstitution.

"(b) PRIMARY RESPONSIBILITIES.—In conducting studies of economic conversion, the Center shall focus on the development of defense economic adjustment methods and the technical assistance necessary to implement these methods. In accordance with procedures established by the Secretary of Defense, the Center shall coordinate its activities with other education and training elements of the Department of Defense that the Secretary may establish or assign to assist in accomplishing the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title.

"(c) STAFF AND FACILITIES.—Upon the request of the Secretary of Defense, the head of a Federal agency may detail, on a reimbursable basis, personnel of the agency to serve on the staff of the Center.

"(d) OTHER SERVICES.—The Center may make office space available to personnel of universities and defense contractors invited to participate in defense economic adjustment activities of the center.

"(e) ADDITIONAL CENTERS AND CONVERSION ACTIVITIES.—The Secretary of Defense may establish additional defense economic adjustment centers or similar entities within the educational and training structure of the Department of Defense or may assign additional economic conversion functions to existing organizations within such structure as may be necessary to assist the Center established pursuant to subsection (a). These additional functions may include the provision of training and technical assistance to implement economic adjustment methods developed by the Center.".

(b) TIME FOR ESTABLISHMENT.—The Secretary of Defense shall establish the Defense Economic Adjustment Center under section 2504 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $2,000,000 shall be available for the Center for the Study of Defense Economic Adjustment.

SEC. 4215. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFENSE CAPABILITY ASSESSMENTS.

Subchapter II of chapter 148, as amended by section 4214, is further amended by inserting after section 2504 the following:

"§2505. National technology and industrial base: periodic defense capabilty assessments

"(a) COMPREHENSIVE ASSESSMENT.—The National Defense Technology and Industrial Base

Council shall, on a regular and periodic basis and not less often than annually through fiscal year 1997 and biennially thereafter, prepare a comprehensive assessment of the capability of the national technology and industrial base to attain each of the national security objectives set forth in section 2501(a) of this title.

"(b) TECHNOLOGY AND INDUSTRIAL BASE SECTOR CAPABILITY ANALYSIS.—Each assessment under subsection (a) shall include the following:

"(1) An analysis of the role, capability, and continued economic viability of those technology and industrial base sectors that are critical to attaining each of the objectives set forth in section 2501(a) of this title.

"(2) An analysis of the present and projected financial condition of each technology and industrial base sector.

"(3) An analysis of the impact of the terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense on the capability of those technology and industrial base sectors that are critical to attaining each of the national security objectives set forth in section 2501(a) of this title during a period of reduction in defense expenditures.

"(4) A critical technology analysis that identifies the product and process technologies that are most critical for attaining the national security objectives set forth in section 2501(a) of this title.

"(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessment, the Council shall include considerations of foreign dependency.

"(d) ISSUANCE.—The Secretary of Defense shall prescribe by regulation a schedule for the completion of the periodic assessment that ensures sufficient time for the consideration of the assessment in the preparation of the periodic national technology and industrial base plan required by section 2506 of this title.".

SEC. 4216. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLAN AND MAJOR DEFENSE PROGRAM PLANNING.

(a) MULTIYEAR PLAN.—Subchapter II of chapter 148, as amended by section 4215, is further amended by inserting after section 2505 the following:

"§2506. National technology and industrial base: periodic defense capability plan

"(a) IN GENERAL.—The National Defense Technology and Industrial Base Council shall prepare annually through fiscal year 1997 and biennially thereafter a multiyear plan for ensuring, to the maximum extent practicable, that the policies and programs of the Department of Defense, the Department of Energy, and other departments and agencies of the Federal Government are planned, coordinated, funded, and implemented in a manner designed to attain each of the national security objectives set forth in section 2501(a) of this title. In preparing each plan, the Council shall take into account the most recent national technology and industrial base assessment prepared pursuant to section 2505 of this title.

"(b) PROGRAM GUIDANCE TO BE INCLUDED IN PLAN.—Each plan under subsection (a) shall also provide specific guidance (including goals, milestones, and priorities) for the following:

"(1) National defense programs and policies of the Department of Defense and Department of Energy that are necessary to ensure the continued viability of each technology and industrial base sector that is necessary to support the objectives stated in section 2501(a) of this title.

"(2) National defense programs and policies of the Department of Defense and Department of Energy that are necessary in each such sector—

"(A) to reduce dependence on foreign sources that could create a military vulnerability; and

"(B) to provide for alternative sources in the event that the foreign sources become unavailable.

"(3) The composition and management of the Defense Industrial Reserve under section 2535 of this title.

"(4) National defense programs and policies of the Department of Defense and Department of Energy relating to manufacturing technology.

"(5) Development of each defense critical technology.

"(6) Ensuring that financial policies of the Department of Defense and Department of Energy (for national security programs) are designed to meet the policies set forth in section 2501 of this title.

"(7) Encouragement of the effective use of commercial products and processes by the Department of Defense and the Department of Energy for national security programs.

"(8) For each plan through fiscal year 1997, national defense programs and policies of the Department of Defense and Department of Energy relating to the transition from economic dependence on defense expenditures of those technology and industrial base sectors and businesses that are at least partially dependent economically on defense expenditures.

"(9) Enhancement of the skills and capabilities of the work force in the national technology and industrial base in support of the national security objectives set forth in section 2501(a) of this title.

"(10) Enhancement of the effectiveness of the major defense acquisition program regulations prescribed pursuant to section 2430(b) of this title.

"(c) LONG-RANGE PLANS.—Each plan through fiscal year 1997 shall include the following:

"(1) A long-range plan for technology development and use of model demonstration defense facilities for environmental restoration and waste management.

"(2) A long-range plan to develop advanced technology to carry out transportation projects that further the national security objectives set forth in section 2501(a) of this title.

"(3) A long-range national security energy technology plan to further the national security objectives of section 2501(a) of this title.

"(4) A long-range national defense communications networking plan to further the national security objectives of section 2501(a) of this title.

"(d) ACQUISITION REFORM GUIDANCE.—Each plan shall include—

"(1) recommendations for legislation that the Council considers appropriate for eliminating any adverse effect of Federal law on the capability of the national technology and industrial base to further the national security objectives set forth in section 2501(a) of this title; and

"(2) specific guidance to ensure that maximum use is made of authority to waive regulations or conduct test programs in pursuit of such objectives.

"(e) ISSUANCE.—(1) The Secretary of Defense shall provide the plan to the Secretaries of the military departments and the heads of the other elements of the Department of Defense not later than the date on which the Secretary provides those officials with the guidance required by section 113(g)(1) of this title.

"(2) The Secretary of Defense shall transmit to Congress, not later than March 31 of each year through 1997 and every odd-numbered year thereafter—

"(A) the plan prepared under this section, including any changes necessary to reflect the budget submitted by the President during that year under section 1105 of title 31; and

"(B) the national technology and industrial base periodic assessment prepared pursuant to section 2505 of this title that pertains to such plan and budget.

"(3) The plan and assessment shall be submitted to Congress in classified and unclassified forms. Proprietary information that may be withheld from disclosure under section 552 of title 5 shall be provided only in the classified version.".

(b) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLANNING FOR MAJOR PROGRAMS.—(1) Chapter 144 of title 10, United States Code, as amended by section 821, is further amended by adding at the end the following new section:

"§2440. TECHNOLOGY AND INDUSTRIAL BASE PLANS.

The Secretary of Defense shall prescribe regulations requiring consideration of the national technology and industrial base in the development and implementation of acquisition plans for each major defense acquisition program.".

(2) The table of sections at the beginning of such chapter, as amended by section 821, is further amended by adding at the end the following:

"2440. Technology and industrial base plans.".

SEC. 4217. DATA COLLECTION AUTHORITY.

Subchapter II of chapter 148, as amended by section 4216, is further amended by inserting after section 2506 the following new section:

"§2507. Data collection authority of President

"(a) The President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any person as may be necessary or appropriate, in the President's discretion, to the enforcement or the administration of this chapter and the regulations issued under this chapter.

"(b) The President shall issue regulations insuring that the authority of this section will be used only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

"(c) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the provisions of subsection (a), or any rule, regulation, or order thereunder, shall be fined under title 18 or imprisoned not more than one year, or both.

"(d) Information obtained under section (a) which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall be fined under title 18 or imprisoned not more than one year, or both.

"(e) The President may make such rules, regulations, and orders as he considers necessary or appropriate to carry out the provisions of this section. Any regulation or order under this section may be established in such form and manner, may contain such classification and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this section, or to prevent circumvention or evasion, or to facilitate enforcement of this section, or any rule, regulation, or order issued under this section.

"(f) In this section:

"(1) The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof,

or any other government, or any of its political subdivisions, or any agency of any of the foregoing, except that no punishment provided by this section shall apply to the United States, or to any such government, political subdivision, or government agency.

"(2) The term 'national defense' means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.".

SEC. 4218. IMPLEMENTATION OF REQUIREMENTS FOR ASSESSMENT, PLANNING, AND ANALYSIS.

(a) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations, including milestones for actions, to ensure the timely and thorough collection of information, completion of assessments, and issuance of plans to be accomplished by the Secretary of Defense that are required by the provisions of subchapter II of chapter 148. Such regulations shall be prescribed in consultation with the other heads of departments comprising the National Defense Technology and Industrial Base Council.

(b) FIRST ASSESSMENT AND PLAN.—(1) The first assessment required by section 2505 of title 10, United States Code, as added by section 4215, shall be completed not later than September 30, 1993.

(2) The first plan required by section 2506 of such title, as added by section 4216, shall be completed not later than December 1, 1993.

(3) The Secretary may prescribe regulations authorizing the presentation of information in a preliminary form in the first periodic assessment and the first periodic plan to the extent that the necessary information cannot reasonably be collected, analyzed, or presented in accordance with section 2505 or 2506, respectively, of title 10, United States Code, by the dates specified in paragraphs (1) and (2).

(c) TEXTILES.—The periodic national technology and industrial base assessment submitted to Congress pursuant to section 2506(e) of title 10, United States Code, shall include, through 1995, a specific assessment of the capability of the domestic textile and apparel industrial base of the United States to support national defense mobilization requirements. Each such assessment shall include the following:

(1) An identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by domestic industries.

(2) An assessment of the effect that any inadequacy in the textile and apparel industrial base would have on a mobilization.

(3) Recommendations for ways to alleviate any such inadequacy that the Secretary considers critical to national defense mobilization requirements.

SEC. 4219. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC ASSESSMENT.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2505 provide that the periodic assessment required by such section address the matters set forth in this section.

(c) SECTOR ROLE ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(1), concerning the role and capability of each technology and industrial base sector in furthering each of the national security objectives of section 2501(a), include the following:

(1) An analysis of the current and projected capability of each sector to attain each such objective for each of the following periods:

(A) The fiscal year during which the assessment is submitted to Congress pursuant to section 2506(e).

(B) The following fiscal year.

(C) The multiyear period covered by the future-years defense program submitted under section 221 during the fiscal year referred to in subparagraph (A).

(2) For each period described in paragraph (1), an analysis of the present and projected capabilities of prime contractors, subcontractors, the Defense Industrial Reserve, and departments and agencies of the Federal Government with respect to each of the following:

(A) Research and development, including research and development regarding the critical technologies identified in the analysis pursuant to section 2505(b)(4).

(B) Application of critical technologies to the production of goods and the furnishing of services.

(C) Test and evaluation.

(D) Low rate production.

(E) High volume production.

(F) Repair and maintenance.

(G) Design and prototyping.

(H) Work force skills and capabilities, including improvements that build on the skill and experience of the work force.

(d) FINANCIAL CAPABILITY ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(2), concerning the present and projected financial capability of each technology and industrial base sector, specifically consider the following matters:

(1) Trends in the following:

(A) Profitability.

(B) Levels of capital investment.

(C) Expenditures on research and development.

(D) Levels of debt.

(2) The effects of actual and potential commercial sales.

(3) The consequences of mergers, acquisitions, and takeovers.

(4) The effects of Department of Defense financial policies, including the following:

(A) Policies relating to progress payments or other financing by the Department of Defense.

(B) Policies relating to the return on contractor investment.

(C) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(5) The effects of expenditures in the technology and industrial base sector by departments and agencies of the Federal Government other than the Department of Defense and the Department of Energy (for national security programs).

(6) The analysis required by section 2505(b)(3).

(e) ANALYSIS OF IMPACT OF DEPARTMENT OF DEFENSE REDUCTIONS.—The initial regulations shall provide that, in the periodic assessment, the analysis required by section 2505(b)(3), concerning the impact of terminations and significant reductions of programs referred to in such section on the capability of each technology and industrial base sector to further each of the national security objectives set forth in section 2501(a), specifically consider the impact of the terminations and significant reductions that—

(1) have taken place in the fiscal year before the fiscal year in which such periodic assessment is submitted to Congress pursuant to section 2506(e); or

(2) are provided for—

(A) in the budget submitted to Congress by the President in that fiscal year; and

(B) in the future-years defense program submitted with such budget.

(f) CRITICAL TECHNOLOGY ANALYSIS.—The initial regulations shall provide, with respect to the critical technology analysis required by section 2505(b)(4), the following:

(1) That the number of technologies so identified not exceed 20.

(2) That the analysis be prepared in consultation with the Critical Technologies Institute.

(3) That, for each technology, the analysis include the following:

(A) The reasons for selection of that technology as a technology critical to the Department of Defense.

(B) The potential dual-use applications of that technology.

(C) The relationship between the activities of the Department of Defense and other Federal agencies in the development of that technology.

(D) The potential contributions that the private sector can be expected to make from its own resources in connection with the development of civilian applications for such technology.

(E) A comparison of the position of the United States to the positions of other nations in the development of that technology, including the potential contributions that other nations can make to meeting the needs of the United States for that technology.

(g) ECONOMIC VIABILITY ANALYSIS.—(1) The initial regulations shall provide that the economic viability analysis required by section 2505(b)(5) include, for each of the periods described in subsection (c)(1) of this section, an analysis of the following matters:

(A) The extent to which each technology and industrial base sector is—

(i) dependent on defense expenditures to ensure continued viability;

(ii) dependent on a mix of defense and nondefense Federal Government expenditures to ensure continued viability;

(iii) dependent on a mix of Federal Government expenditures and other Federal Government programs to ensure continued viability; and

(iv) sufficiently integrated with the commercial marketplace to ensure continued viability regardless of the level of Federal Government expenditures in the technology and industrial base sector.

(B) The extent to which each technology and industrial base sector is capable of—

(i) ongoing production with a present capability for high volume production;

(ii) maintenance of a production base that can be converted to high volume production within a reasonable period of time; or

(iii) reconstitution of a production base that can reinstate high volume production within a reasonable period of time.

(2) The analysis shall specifically identify any technology and industrial base sectors and any entities within technology and industrial base sectors that should be considered for inclusion in the Defense Industrial Reserve.

(h) FOREIGN DEPENDENCY CONSIDERATIONS.—The initial regulations shall provide that the foreign dependency considerations taken into account in the preparation of the periodic assessment pursuant to section 2505(c) include, for each technology and industrial base sector, the following factors:

(1) The availability of essential raw materials, special alloys, composite materials, components, subsystems, production equipment, facilities, special tooling, and production test equipment for—

(A) the sustained production of systems fully capable of meeting the performance objectives established for those systems;

(B) the uninterrupted maintenance and repair of such systems; and

(C) the sustained operation of such systems.

(2) The identification of items specified in paragraph (1) that are available only from

sources outside the national technology and industrial base.

(3)(A) The availability of alternatives for obtaining such items from within the national technology and industrial base if such items become unavailable from sources outside the national technology and industrial base.

(B) An analysis of any military vulnerability that could result from the lack of reasonable alternatives.

(4) The effects on the national technology and industrial base that result from foreign acquisition of firms in the United States.

(i) DEFINITIONS.—In this section:

(1) The term "continued viability" means the capability to attain the national security objectives set forth in section 2501(a).

(2) The term "defense expenditure" means an expenditure—

(A) by the Department of Defense; or

(B) by the Department of Energy for a national security program.

(3) The term "Defense Industrial Reserve" is the Defense Industrial Reserve established by section 2535.

(4) The term "future-years defense program" means the future-years defense program required by section 221.

(5) The term "national technology and industrial base" has the meaning given that term in section 2491.

(6) The term "periodic assessment" means the periodic assessment required by section 2505.

(7) The term "section 2501 objectives" means the objectives set forth in section 2501.

(8) The term "significant reduction", with respect to expenditures for a program for a fiscal year, means that the amount provided for that program for that fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program for that fiscal year is less than the amount provided for that program for the preceding fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program, respectively, for that preceding fiscal year by at least—

(A) the greater of—

(i) the amount equal to 10 percent of the amount provided for that preceding fiscal year; or

(ii) $5,000,000; or

(B) a lesser amount determined significant by the Secretary of Defense or the National Defense Technology and Industrial Base Council.

(9) The term "technology and industrial base sector" has the meaning given such term in section 2491.

SEC. 4220. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC PLAN.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2506 provide that the national technology and industrial base plan required by such section include the matters set forth in subsections (c) through (f).

(c) MANUFACTURING TECHNOLOGY GUIDANCE.—The initial regulations shall require that the guidance provided for manufacturing technology pursuant to section 2506(b)(4) include guidance with respect to the following:

(1) The National Defense Manufacturing Technology Program established under section 2521.

(2) The support of manufacturing extension programs under section 2523.

(3) Programs to enhance basic research in scientific disciplines relating to manufacturing technology through—

(A) encouraging research in colleges and universities in the United States and in associated centers of excellence; and

(B) establishing technology transfer mechanisms, and technology education and training mechanisms, that ensure that the results of such research are readily available to United States industry.

(4) Programs for encouraging the use of computer-integrated manufacturing to improve manufacturing quality, reduce manufacturing costs, reduce production lead times, and improve maintenance.

(5) Programs for enhancing Department of Defense use of concurrent engineering practices in the design and development of weapon systems.

(6) Programs providing incentives for firms in the national technology and industrial base to use advanced manufacturing technology and processes and to invest in improved productivity.

(7) Programs for encouraging research in colleges and universities and in other technology development and extension programs in the United States for development of systems that build on the skill and experience of workers.

(8) Programs for assisting in the transition to high performance work systems, including ongoing worker involvement in the evaluation, selection, and installation and operation of production technologies and associated organization or work.

(d) CRITICAL TECHNOLOGIES GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(5) for the development of each critical technology include the following:

(1) The specific funding requirements of the Department of Defense, the Department of Energy and other departments and agencies of the Federal Government for the development of the technology for the 5 fiscal years following the fiscal year in which the plan is submitted to Congress pursuant to section 2506(e).

(2) A designation of the lead organization within the Department of Defense or the Department of Energy to be responsible for the development of the technology.

(3) A summary description of the lead organization's plan for the development of the technology, including the milestone goals.

(e) FINANCIAL POLICY GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(6) with regard to financial policies of the Department of Defense and the Department of Energy (for national security programs) include guidance with respect to the following:

(1) Policies relating to progress payments or other financing by the Department of Defense.

(2) Policies relating to the return on contractor investment.

(3) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(f) COMMERCIAL-MILITARY INTEGRATION GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2501(c) regarding integration of commercial products and processes into Federal acquisition practices include guidance with respect to the following:

(1) Expanding the use of commercial specifications in place of Federal Government specifications.

(2) Increasing the use of commercial manufacturing processes instead of processes specified by the Federal Government.

(3) Reducing the extent of unique government regulatory requirements relating to accounting and acquisition.

(4) Identifying and ensuring the effective application by the Department of Defense and the Department of Energy (for national security programs) of research, technologies, products, information, and practices developed by other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(5) Identifying effective mechanisms for transferring technology and related information, to the maximum extent practicable, from the Department of Defense and Department of Energy to other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(6) Ensuring, to the maximum extent practicable, that technology and related information are so transferred.

(g) MAJOR PROGRAM GUIDANCE.—The initial regulations implementing section 2430(b), shall provide that the acquisition plan for each major defense acquisition program include provisions for the following:

(1) An analysis of the capabilities of the national technology and industrial base to develop, produce, maintain, and support such program, including consideration of the factors set forth in section 4219(h).

(2) Consideration of requirements for efficient manufacture during the design and production of the systems to be procured under the program.

(3) The use of advanced manufacturing technology, processes, and systems during the research and development phase and the production phase of the program.

(4) To the maximum extent practicable, the use of contract solicitations that encourage competing offerors to acquire, for use in the performance of the contract, modern technology, production equipment, and production systems (including hardware and software) that increase the productivity of the offerors and reduce life-cycle costs.

(5) Encouragement of investment by United States domestic sources in advanced manufacturing technology production equipment and processes through—

(A) recognition of the contractor's investment in advanced manufacturing technology production equipment, processes, and organization of work systems that build on workers' skill and experience, and work force skill development in the development of the contract objective; and

(B) increased emphasis in source selections on the efficiency of production.

(6) Expanded use of commercial manufacturing processes rather than processes specified by the Department of Defense.

(7) Elimination of barriers to, and facilitation of, the integrated manufacture of commercial items and items being produced under Department of Defense contracts.

(8) Expanded use of commercial products as set forth in section 2325.

Subtitle C—Programs for Development, Application, and Support of Dual-Use Technologies

SEC. 4221. DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) RECODIFICATION OF PROVISION.—Subchapter III of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2511. Defense dual-use critical technology partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title, by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and entities referred to in subsection (b) in order

to encourage and provide for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and, may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, Government-owned and operated industrial facilities, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The Secretary of Defense shall ensure that, to the maximum extent he determines to be practicable, the amount of the funds provided by the Federal Government under a partnership does not exceed the total amount provided by non-Federal Government participants in that partnership.

"(d) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed by each partnership, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) to a partnership recognized under this section for purposes of any project that is approved by the Secretary.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships, except that procedures other than competitive procedures may be used in any case in which an exception set out in section 2304(c) of this title applies.

"(f) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the national technology and industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed partnership.

"(7) The extent to which the partnership does not unnecessarily duplicate projects undertaken by other agencies.

"(8) Such other criteria that the Secretary prescribes.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.".

(b) FISCAL YEAR 1993 PROJECTS.—During fiscal year 1993, projects carried out in cooperation with partnerships under section 2511 of title 10, United States Code, shall include projects in the following areas or involving technologies that otherwise further the objectives set forth in section 2501(a) of such title:

(1) Digital communications and processing methods.

(2) Optical electronics.

(3) Lightweight, low-clearance multipassenger ground vehicles.

(4) Advanced materials, including precision forging technologies to meet high-strength, low-weight design criteria.

(5) Interferometric synthetic aperture radar technology.

(6) Electrical propulsion of ground vehicles for reduced signature emission.

(7) Marine biotechnology.

(8) Environmentally compliant manufacturing technologies for production of computers for military and nonmilitary use as may be identified by a partnership.

(9) Fuel cell and high-density energy storage.

(10) Unexploded ordnance disposal technology.

(11) Microchip Module integration.

(12) Robotics application to defense environmental restoration activities.

(13) Integrated telecommunications technologies for advanced manufacturing.

(14) Advanced automatic control systems technology.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code, as added by subsection (a).

SEC. 4222. COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.

(a) PROGRAM REQUIRED.—Subchapter III of chapter 148, as amended by section 4221, is further amended by inserting after section 2511 the following:

"§2512. Commercial-military integration partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and one or more eligible firms and nonprofit research corporations referred to in section 2511(b) of this title. A partnership may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(b) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, and enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(2) The Secretary may not enter into a partnership under this section for a period longer than 5 years.

"(3) The Secretary may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section, subject to the limitations in subsection (c).

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary under a partnership does not exceed the maximum authorized percentage of the total cost of partnership activities.

"(2) The maximum authorized percentage of funding referred to in paragraph (1) for each year of a partnership is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the each of the third, fourth, and fifth years.

"(3)(A) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of determining the share of the partnership costs that has been or is being undertaken by such participants.

"(B) The regulations shall also ensure that the in-kind contributions of nonprofit institutions and small businesses are considered included, to the maximum extent practicable, in the non-Federal Government share of the cost of the partnership.

"(d) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships.

"(e) SELECTION CRITERIA.—The criteria for the selection of a proposed partnership for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment that timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the industrial and technology base.

"(6) The extent of the financial commitment of the eligible firms to the proposed partnership.

"(7) The likelihood that the partnership will develop technologies that are sufficiently viable in the commercial sector so that such technologies will be available to meet the future reconstitution requirements and other needs of the Department of Defense described in the most recent national technology and industrial base plan prepared under section 2506 of this title.

"(8) The likelihood that, within five years after the establishment of the partnership (or a lesser period established by the Secretary), Federal Government funding of the partnership will not be necessary.

"(9) The extent to which the partnership does not unnecessarily duplicate programs undertaken by other Federal agencies.

"(10) Such other criteria as the Secretary prescribes.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $50,000,000 shall be available for commercial-military integration partnerships under section 2512 of title 10, United States Code, as added by subsection (a).

SEC. 4223. REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2524 of title 10, United States Code (relating to critical technology application centers) is transferred to subchapter III of chapter 148, inserted after section 2512 (as added by section 4222), and redesignated as section 2513.

(b) TERMINOLOGY CHANGE.—(1) Such section (as so transferred and redesignated) is amended—

(A) by striking out "regional critical technology application centers" in subsection (a) and inserting in lieu thereof "regional technology alliances";

(B) by striking out "regional critical technology application center" in subsection (b) and inserting in lieu thereof "regional technology alliance"; and

(C) by striking out "critical technology application center" and "center" each time such terms appear and inserting in lieu thereof "regional technology alliance".

(2) The heading of such section is amended to read as follows:

"§2513. Regional technology alliances assistance program".

(c) PROGRAM OBJECTIVES.—Subsection (a) of such section is amended by striking out "provide" and inserting in lieu thereof "further the national security objectives set forth in section 2501(a) of this title by providing".

(d) PROGRAMS PARTICIPANTS.—Subsection (c)(2)(B) of such section is amended by adding at the end the following new clause:

"(iii) an institution of higher education designated by a State or local government.".

(e) MAXIMUM ASSISTANCE.—Subsection (d)(1)(A) of such section is amended by striking out "30 percent" and inserting in lieu thereof "50 percent".

(f) AMENDMENT TO CROSS REFERENCE.—Subsection (g) of such section is amended by striking out "2523" and inserting in lieu thereof "2511".

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense regional technology alliances under section 2513 of title 10, United States Code, as redesignated by subsection (a)

SEC. 4224. ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

(a) IN GENERAL.—Subchapter III of chapter 148, as amended by section 4223, is further amended by inserting after section 2513 the following:

"§2514. Encouragement of technology transfer

"(a) ENCOURAGEMENT OF TRANSFER REQUIRED.—The Secretary of Defense shall encourage, to the extent consistent with national security objectives, the transfer of technology between laboratories and research centers of the Department of Defense and other Federal agencies, State and local governments, colleges and universities, and private persons in cases that are likely to result in accomplishing the objectives set forth in section 2501(a) of this title.

"(b) EXAMINATION AND IMPLEMENTATION OF METHODS TO ENCOURAGE TRANSFER.—The Secretary shall examine and implement methods, in addition to the encouragement referred to in subsection (a) and the program described in subsection (c), that are consistent with national security objectives and will enable Department of Defense personnel to promote technology transfer.

"(c) PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.—(1) The Secretary of Defense shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereinafter in this subsection referred to as the 'Program'). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

"(2) Under the Program, the defense laboratories, in coordination with the Office of Technology Transfer in the Office of the Secretary of Defense, shall carry out cooperative activities with private industry in order to promote (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) the transfer of defense or dual-use technologies from the defense laboratories to private industry, and the development and application of such technologies by the defense laboratories and private industry, for the purpose of the commercial utilization of such technologies by private industry.

"(3) The Secretary of Defense shall develop and annually update a plan for each defense laboratory that participates in the Program under which plan the laboratory shall carry out cooperative activities with private industry to promote the transfers described in subsection (b).

"(4) In this subsection, the term 'defense laboratory' means any laboratory owned or operated by the Department of Defense that carries out research in fiscal year 1993 in an amount in excess of $50,000,000.

"(5) The Secretary shall coordinate the Program with the National Defense Technology and Industrial Base Council.".

(b) REPORTS ON SURVEY OF LABS AND IMPLEMENTATION OF PROGRAM.—Not later than September 30, 1993, the Secretary of Defense shall submit to Congress a report containing the following:

(1) An assessment of the potential of each defense laboratory to promote the transfers described in section 2514(c) of title 10, United States Code, as added by subsection (a).

(2) Recommendations on the manner in which each such laboratory might better promote such transfers.

(3) A description of the extent to which each such laboratory has implemented effectively the plan established for the laboratory under such subsection (c) during the year preceding the date of the report.

(4) Recommendations of the Secretary for the improvement of the Federal Defense Laboratory Diversification Program established pursuant to such section 2514(c).

(c) CONFORMING REPEAL.—Section 2363 of title 10, United States Code, is repealed.

SEC. 4225. OFFICE OF TECHNOLOGY TRANSITION.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4224, is further amended by inserting after section 2514 the following:

"§2515. Office of Technology Transition

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an Office of Technology Transition.

"(b) PURPOSE.—The purpose of the office shall be to ensure, to the maximum extent practicable, that technology developed for national security purposes is integrated into the private sector of the United States in order to enhance national technology and industrial base, reinvestment, and conversion activities consistent with the objectives set forth in section 2501(a) of this title.

"(c) DUTIES.—The head of the office shall ensure that the office—

"(1) monitors all research and development activities that are carried out by or for the military departments and Defense Agencies;

"(2) identifies all such research and development activities that use technologies, or result in technological advancements, having potential nondefense commercial applications;

"(3) serves as a clearinghouse for, coordinates, and otherwise actively facilitates the transition of such technologies and technological advancements from the Department of Defense to the private sector;

"(4) conducts its activities in consultation and coordination with the Department of Energy and the Department of Commerce; and

"(5) provides private firms with assistance to resolve problems associated with security clearances, proprietary rights, and other legal considerations involved in such a transition of technology.

"(d) REPORTING REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives an annual report on the activities of the Office at the same time that the budget is submitted to Congress by the President pursuant to section 1105 of title 31. The report shall contain a discussion of the accomplishments of the Office during the fiscal year preceding the fiscal year in which the report is submitted.".

(b) SCHEDULE FOR ESTABLISHMENT.—The Office of Technology Transition shall commence operations within 120 days after the date of the enactment of this Act.

(c) REPORTING REQUIREMENTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of the Office of Technology Transition. The report shall contain a description of the organization of the Office, the staffing of the Office, and the activities undertaken by the Office.

(2) Notwithstanding section 2515(d) of title 10, United States Code (as added by subsection (a))—

(A) the first report under that section shall be submitted not later than one year after the date of the enactment of this Act; and

(B) no additional report is necessary under that section in the fiscal year in which such first report is submitted.

SEC. 4226. MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4225, is further amended by inserting after section 2515 the following:

"§2516. Military-Civilian Integration and Technology Transfer Advisory Board

"(a) ESTABLISHMENT.—There is established a Military-Civilian Integration and Technology Transfer Advisory Board (in this section referred to as the 'Advisory Board').

"(b) GOALS.—The goals of the Advisory Board are to ensure, in furtherance of the national security objectives set forth in section 2501(a) of this title—

"(1) the effective integration of commercial technologies and best practices into defense industries;

"(2) the efficient transfer of defense technologies to civilian industries, where applicable;

"(3) that civilian markets are appropriately integrated into dual-use technology development strategies; and

"(4) that dual use critical technologies are used in carrying out defense reinvestment, diversification, and conversion activities described in section 2501(b) of this title.

"(c) COMPOSITION.—The Advisory Board shall be composed of at least 17 members. The members of the Advisory Board shall be appointed by the National Defense Technology and Industrial Base Council from among individuals who, because of their experience and accomplishments in defense or civilian technology development, business development, international trade, or finance, are exceptionally qualified to analyze and formulate policy that would improve the integration of military and civilian capabilities and resources. The National Defense Technology and Industrial Base Council shall designate one member to serve as chairman, with the chairmanship to change annually. Membership of the Advisory Board shall be composed of—

"(1) representatives of—

"(A) large and small firms involved in both defense and civilian technologies;

"(B) universities and independent research institutes;

"(C) State and local government agencies involved in technology extension and economic development;

"(D) Federal defense and nondefense laboratories;

"(E) industrial, worker, and professional organizations; and

"(F) financial organizations; and

"(2) other individuals that possess important insight to issues of military-commercial integration, as determined by the National Defense Technology and Industrial Base Council.

"(d) DUTIES.—The duties of the Advisory Board shall include—

"(1) advising the National Defense Technology and Industrial Base Council in the planning, execution, and evaluation of programs in the Department of Defense that would facilitate military-commercial integration, including the research, development, and application of dual-use technologies, and manufacturing and industrial assistance programs, educational programs, and financial support programs;

"(2) advising the National Defense Technology and Industrial Base Council on policies that the Advisory Board considers essential to effective military-commercial integration;

"(3) organizing a Dual-Use Technology Subboard that will advise the Council on the effectiveness of military-civilian integration regarding dual-use technologies and strategies; and

"(4) organizing other sub-boards, with the consent or at the request of the Council, to examine priority issues in military-civilian integration.

"(e) MEETINGS.— The Advisory Board shall meet at least once every four months, and at the call of the Council.

"(f) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5 when engaged in the business of the Advisory Board.

"(g) TERMINATION.—The Advisory Board shall terminate at the close of fiscal year 1997.".

(b) FIRST MEETING.—The chairman of the Military-Civilian Integration and Technology Transfer Advisory Board shall call the first meeting of the Advisory Board no later than 90 days after the date of enactment of this Act.

SEC. 4227. OFFICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2525 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2516 (as added by section 4226), and redesignated as section 2517.

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 2517, as so redesignated, is amended by inserting "Critical" after "Foreign Defense".

SEC. 4228. OVERSEAS FOREIGN CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT FINANCIAL ASSISTANCE PROGRAM.

Section 2526 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2517 (as added by section 4227), and redesignated as section 2518.

Subtitle D—Defense Manufacturing Technology, Dual-Use Assistance Extension, and Defense Supplier Base Enhancement and Support Programs

SEC. 4231. NATIONAL DEFENSE MANUFACTURING TECHNOLOGY PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Subchapter IV of chapter 148 is amended by inserting after the table of sections the following:

"§2521. National Defense Manufacturing Technology Program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a National Defense Manufacturing Technology Program. The Secretary shall use the program to—

"(1) provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

"(2) direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

"(3) improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

"(4) promote dual-use manufacturing processes;

"(5) disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(6) sustain and enhance the skills and capabilities of the manufacturing work force;

"(7) promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

"(8) ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.

"(b) RELATIONSHIP TO NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLAN.—The Secretary shall ensure that the program is developed and implemented in accordance with the manufacturing technology guidance set forth in the national technology and industrial base plan prepared under section 2506 of this title.

"(c) REVISIONS.—The Secretary shall revise the program not later than March 15 of each year through fiscal year 1997 and of each odd-numbered year thereafter. Each revision shall identify each manufacturing technology program, project, or activity of the Department of Defense and the amounts provided for each such program, project, and activity in the budget submitted by the President under section 1105 of title 31 for the fiscal year beginning in that year. ".

(b) REPEAL OF LIMITATION.—Section 203(d) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190; 105 Stat. 1315) is repealed.

SEC. 4232. DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2518 of title 10, United States Code, is transferred to chapter 148, inserted after section 2521 (as added by section 4231), and redesignated as section 2522.

(b) PROGRAM AMENDMENTS.—Section 2522 of title 10, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a)—

(A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "The Secretary of Defense may"; and

(B) by inserting "military and dual-use" after "broad range of";

(2) in subsection (c), by striking out "section 2523" and inserting in lieu thereof "section 2511";

(3) in subsection (d)—

(A) in paragraph (1), by striking out "section 2523(f)" and inserting in lieu thereof "section 2511(f)"; and

(B) by adding at the end the following new paragraph:

"(3) Such other criteria as prescribed by the Secretary of Defense, in consultation with the Council."; and

(4) by striking out subsection (e).

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $25,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of title 10, United States Code, as redesignated by subsection (a).

SEC. 4233. MANUFACTURING EXTENSION PROGRAMS.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2517 of title 10, United States Code, is transferred to subchapter IV of chapter 148, inserted after section 2522 of such title (as added by section 4232), and redesignated as section 2523.

(b) FURTHERANCE OF NATIONAL SECURITY OBJECTIVES.—Subsection (b)(1) of section 2523, as redesignated by subsection (a), is amended in the matter before subparagraph (A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "shall".

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for support of manufacturing extension programs under section 2523 of title 10, United States Code, as redesignated by section 4233.

SEC. 4234. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Subchapter IV of chapter 148, as amended by section 4233, is further amended by inserting after section 2523 the following:

"§2524. Defense dual-use assistance extension program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, shall establish a program to further the national security objectives set forth in section 2501(a) of this title and the defense reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title by providing support to entities referred to in subsection (b) for programs described in that subsection.

"(b) PROGRAMS SUPPORTED.—The Secretary may provide support under this section for programs sponsored by the Federal Government, regional entities, States, local governments, and private entities and nonprofit organizations that assist businesses economically dependent on Department of Defense expenditures to acquire dual-use capabilities through the provision under those programs of the following forms of assistance:

"(1) Assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices.

"(2) Assistance in acquiring and using public and private sector resources, literature, and other information concerning—

"(A) research, development, and production processes and practices;

"(B) identification of technologies and products having the potential for defense and nondefense commercial applications;

"(C) marketing practices and opportunities;

"(D) identification of potential suppliers, partners, and subcontractors;

"(E) identification of opportunities for government support, including support through grants, contracts, partnerships, and consortia;

"(F) enhancement of work force skills and capabilities, including—

"(i) development and introduction of high-performance work systems, workforce literacy programs, and programs for worker education and training;

"(ii) other programs that build upon the skills and capabilities of the work force; and

"(G) trade and export assistance.

"(3) Loan guarantees to small businesses that are economically dependent on defense expenditures, under the terms and conditions specified under other applicable law.

"(c) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title.

"(2) Subject to subsection (d), the Secretary may provide a program referred to in subsection (b) with technical and other assistance.

"(3) The Secretary is authorized to carry out a program to provide assistance to small businesses that are economically dependent on defense expenditures to obtain access to a national network of scientists and engineers, and to information resources (including access through on-line data bases to local, national, and international technical and business literature encompassing a wide range of technologies), that can help minimize technical risk and thereby facilitate the development and commercialization of new products.

"(d) FINANCIAL COMMITMENT OF NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Department of Defense for a program under this section does not exceed the maximum authorized percentage of the combined amount provided by the Department of Defense and all other sources of funding for the program for any year.

"(2) The maximum authorized percentage of Department of Defense funding referred to in paragraph (1) for each year of Department of Defense assistance for a program under this section is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the third and following years.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the selection of programs to receive assistance under this section.

"(f) SELECTION CRITERIA.—The criteria for the selection of a program to receive assistance under this section shall include the following:

"(1) The extent to which the program advances and enhances the national security objectives set forth in section 2501(a) of this title and the reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title.

"(2) The technical excellence of the program.

"(3) The qualifications of the personnel proposed to participate in the program's research activities.

"(4) The adequacy of timely private sector investment in activities that is sufficient to achieve the goals and objectives of the programs.

"(5) The potential effectiveness of the program in the conversion of businesses (and their work forces) from capabilities that make the companies economically dependent on Department of Defense expenditures to capabilities having defense and nondefense commercial applications.

"(6) The ability of the program to assist businesses (and their work forces) that are adversely affected by significant reductions in Department of Defense spending.

"(7) The extent of the financial commitment by sources other than the Department of Defense.

"(8) The extent to which the program would supplement, rather than duplicate, other available services.

"(9) The likelihood that, within five years after the commencement of assistance for a program under this section (or a lesser period established by the Secretary), Department of Defense assistance will not be necessary to sustain the program.

"(10) Such other criteria as the Secretary prescribes.

"(g) TERMINATION OF AUTHORITY.—After September 30, 1995, funds may be provided by the Department of Defense under this section only for programs referred to in subsection (b) for which funds have been provided by the Department of Defense under this section on or before that date. No funds may be provided by the Department of Defense under this section for a program referred to in subsection (b) after September 30, 1998.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $200,000,000 shall be available for the defense dual-use extension program under section 2524 of title 10, United States Code (as added by subsection (a)), of which—

(1) $50,000,000 shall be available to provide support to regional, State, and local government programs; and

(2) $75,000,000 shall be available for programs designed to assist small businesses.

SEC. 4235. DEFENSE INDUSTRIAL RESERVE.

(a) TRANSFER OF SECTIONS.— (1) Subchapter V of chapter 148 is amended by adding at the end, without text, the following new section:

"§2535. Defense Industrial Reserve".

(2) The text of section 2 of the Defense Industrial Reserve Act (50 U.S.C. 451) is—

(A) transferred to section 2535;

(B) inserted after the section heading; and

(C) amended by striking out "In enacting this Act, it" and inserting in lieu thereof the following: "(a) DECLARATION OF PURPOSE AND POLICY.—It".

(3) The text of section 4 of that Act (50 U.S.C. 453) is—

(A) transferred to section 2535;

(B) inserted after subsection (a), as designated by paragraph (2)(C); and

(C) amended—

(i) by striking out "(a) To execute the policy set forth in this Act," and inserting in lieu thereof the following: "(b) POWERS AND DUTIES OF THE SECRETARY OF DEFENSE.—(1) To execute the policy set forth in this section,";

(ii) by striking out "(1) determine" and inserting in lieu thereof "(A) determine";

(iii) by striking out "(2) designate" and inserting in lieu thereof "(B) designate";

(iv) by striking out "(3) establish" and inserting in lieu thereof "(C) establish";

(v) by striking out "(4) direct" and inserting in lieu thereof "(D) direct";

(vi) by striking out "(5) direct" and inserting in lieu thereof "(E) direct";

(vii) by striking out "(6) authorize" and inserting in lieu thereof "(F) authorize";

(viii) by striking out "(7) authorize" and all that follows through "(B) such institution" and inserting in lieu thereof "(G) authorize and regulate the lending of any such property to any nonprofit educational institution or training school whenever (i) the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (ii) such institution";

(ix) by striking out "(b)(1) The Secretary" and inserting in lieu thereof "(2)(A) The Secretary";

(x) by striking out "(A) storage" and inserting in lieu thereof "(i) storage";

(xi) by striking out "(B) repair" and inserting in lieu thereof "(ii) repair";

(xii) by striking out "(C) overhead" and inserting in lieu thereof "(iii) overhead"; and

(xiii) by striking out "(2) The Secretary of Defense shall prescribe regulations" and inserting in lieu thereof "(B) The Secretary of Defense shall prescribe regulations".

(b) DEFINITIONS.—The text of section 3 of that Act (50 U.S.C. 452) is—

(i) transferred to section 2535;

(ii) inserted following subsection (b), as designated by subsection (a)(3)(C)(i); and

(iii) amended by striking out "As used in this Act—" and inserting in lieu thereof "(c) DEFINITIONS.—In this section:".

SEC. 4236. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY TO PROVIDE CERTAIN TYPES OF TECHNICAL ASSISTANCE.—(1) Chapter 142 of title 10, United States Code, is amended—

(A) by redesignating section 2418 as section 2419; and

(B) by inserting after section 2417 the following new section:

"§2418. Authority to provide certain types of technical assistance

"(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include technical assistance relating to contracts entered into with (1) Federal departments and agencies other than the Department of Defense, and (2) State and local governments.

"(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2418 and inserting in lieu thereof the following:

"Sec. 2418. Authority to provide certain types of technical assistance.

"Sec. 2419. Regulations.".

(b) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code, as amended by this section.

(c) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1993 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 4237. SMALL BUSINESS INNOVATION RESEARCH PROGRAM IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF PROGRAM.—Section 5 of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note) is amended—

(1) by striking out "Effective October 1, 1993, paragraphs" and inserting in lieu thereof "Paragraphs"; and

(2) by striking out "are repealed" and inserting in lieu thereof "shall cease to be effective with respect to departments and agencies of the Federal Government other than the Department of Defense on October 1, 1993, and are repealed effective October 1, 2000".

(b) LIMITATION ON PROGRAM AWARDS.—Amounts paid to a small business concern by the Department of Defense under the Small Business Innovation Research Program for a project—

(1) in phase I under the program may not exceed $100,000; and

(2) in phase II under the program may not exceed $750,000.

(c) COMMERCIAL APPLICATIONS STRATEGY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue a strategy for effectuating the transition of successful projects under the Small Business Innovation Research Program from phase II under the program into phase III under the program.

(d) REPEAL OF EXCLUSION OF CERTAIN ACTIVITIES.—(1) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out "except that for the Department of Defense" and all that follows through "development, and".

(2)(A) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out the semicolon at the end and inserting in lieu thereof ", and except that for the Department of Energy it shall not include amounts obligated for atomic energy defense programs for weapons and weapons-related activities or for naval reactor programs;".

(B) Subsection (f) of such section is amended by striking out paragraph (2).

(e) PERCENTAGE OF REQUIRED EXPENDITURES FOR SBIR CONTRACTS.—(1) The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the percentage specified in section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) with respect to fiscal years after fiscal year 1982 were determined in accordance with the table set forth in paragraph (2) (rather than 1.25 percent).

(2)(A) The percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for any fiscal year for the Department of Defense and each military department shall be determined in accordance with the following table:

For fiscal year:	*The percentage is:*
1993	*1.25*
1994	*1.5*
1995	*1.75*
1996	*2.0*
1997	*2.25*
1998 and thereafter	*2.5.*

(B) If the determination of the Secretary of Defense under subparagraph (C) is a negative determination (as set forth in that paragraph), then the percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for the Department of Defense and each military department for fiscal years after fiscal year 1996 shall remain at the level applicable for fiscal year 1996 (notwithstanding the percentages specified in subparagraph (A) for fiscal years after fiscal year 1996).

(C) Not later than June 30, 1996, the Secretary of Defense during fiscal year 1996 shall determine whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the Department of Defense under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs. If the determination of the Secretary is that there has been such a demonstrable reduction in the quality of research such that increasing the percentage under subparagraph (B) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs, the Secretary shall be considered for purposes of subparagraph (B) to have made a negative determination. The determination of the Secretary concerned under this paragraph shall be made after considering the assessment of the Comptroller General with respect to that department in the report transmitted under subparagraph (D).

(D) Not later than March 30, 1996, the Comptroller General shall transmit to the Congress and the Secretary of Defense a report setting forth the Comptroller General's assessment, with respect to the Department of Defense of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the department under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs.

(E) The results of each determination under subparagraph (C) shall be transmitted to the Congress not later than June 30, 1996.

(f) DEFINITIONS.—In this section:

(1) The term "Small Business Innovation Research Program" means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

(A) Paragraphs (4) through (7) of subsection (b).

(B) Subsections (e) through (k).

(2) The term "phase I", with respect to the Small Business Innovation Research Program, means the first phase described in subsection (e)(4)(A) of section 9 of the Small Business Act.

(3) The term "phase II", with respect to the Small Business Innovation Research Program, means the second phase described in subsection (e)(4)(B) of such section.

(4) The term "phase III", with respect to the Small Business Innovation Research Program, means the third phase described in subsection (e)(4)(C) of such section.

(g) EFFECTIVE DATE.—Subject to subsection (h), this section, and the amendments made by this section, shall take effect on October 1, 1992, and shall apply with respect to fiscal years after fiscal year 1992.

(h) EFFECTIVENESS OF SECTION CONDITIONAL ON FAILURE TO ENACT OTHER LEGISLATION.—(1) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, on or before the date of the enactment of this Act, then this section and the amendments made by this section shall not take effect.

(2)(A) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, after the date of the enactment of this Act, then, effective immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress—

(i) this section shall cease to be effective; and

(ii) the provisions of a small business law that are amended by this section shall be effective and read as such provisions of that law were in effect immediately before the enactment of this Act, except that to the extent that any amendment is made to such a provision of a small business law by any other provision of law referred to in subparagraph (B), such provision of a small business law shall be effective and shall read as amended by that other provision of law.

(B) For the purposes of subparagraph (A)(ii), a provision of law referred to in this subparagraph is the following:

(i) A provision of this Act other than a provision of this section.

(ii) A provision of any other Act if the provision takes effect during the period beginning on the date of the enactment of this Act and ending immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress.

(C) In this paragraph, the term "small business law" means—

(i) the Small Business Act (15 U.S.C. 631 et seq.); and

(ii) the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note).

SEC. 4238. DEFENSE MANUFACTURING EXPERTS IN THE CLASSROOM.

(a) PROGRAM.—Section 2197 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "managers and" in the matter preceding paragraph (1); and

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

"(e) MANUFACTURING EXPERT DEFINED.—In this section, the term 'manufacturing expert' means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2197. Manufacturing experts in the classroom".

(2) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2197 and inserting in lieu thereof the following:

"2197. Manufacturing experts in the classroom.".

SEC. 4239. INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.

Subtitle E—Defense Advanced Research Projects Agency

SEC. 4261. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) SENSE OF CONGRESS CONCERNING NAME OF AGENCY.—It is the sense of Congress that the Secretary of Defense should rename the Defense Advanced Research Projects Agency as the Advanced Research Projects Agency.

(b) SENSE OF CONGRESS CONCERNING MISSION.—It is the sense of Congress that the Secretary of Defense should direct that the agency referred to in subsection (a), in conjunction with industry, institutions of higher education, and other Federal and State organizations, should, among its other purposes, do the following:

(1) Pursue imaginative and innovative research and development projects having significant potential for—

(A) both military and commercial (dual use) applications; and

(B) solely for military applications.

(2) Support and stimulate a national technology base that—

(A) serves both civilian and military purposes through technology sharing and otherwise; and

(B) by serving both civilian and military purposes, increases the productivity of both the civilian and military sectors.

(3) Manage and direct the conduct of basic and applied research and development that exploits scientific breakthroughs and demonstrates the feasibility of revolutionary approaches for improved cost and performance of advanced technology having future military applications, including advanced technology also having future civilian applications.

(4) Stimulate increased emphasis on prototyping in defense systems and subsystems—

(A) by conducting prototype projects embodying technology that might be incorporated in joint programs, programs in support of deployed forces, or selected programs of the military departments; and

(B) on request of the Secretary of a military department, by assisting that military department in any prototyping program of the military department.

(c) SENSE OF CONGRESS CONCERNING PRIORITY OF TECHNOLOGY DEVELOPMENT.—It is further

the sense of Congress that the Secretary of Defense—

(1) should establish priorities for development of technologies by the agency referred to in subsection (a) to meet the needs of national security; and

(2) should consult with the Secretary of Commerce and the Secretary of Energy before providing annual planning guidance to that agency.

Subtitle F—Conforming Amendments and Funding Matters

SEC. 4271. CONFORMING AMENDMENTS.

(a) CONFORMING REPEALS.—(1) Section 2330 of title 10, United States Code, is repealed.

(2) Section 2363 of such title is repealed.

(b) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and part IV of such subtitle are amended by striking out the items relating to chapters 148, 149, and 150 and inserting in lieu thereof the following:

"148. National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion ..... 2491".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2330.

(3) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2363.

(4) The heading of section 2534, as redesignated by section 4202(a), is amended to read as follows:

"§2534. Miscellaneous limitations on the procurement of goods other than United States goods".

(c) CONFORMING AMENDMENT.—Section 2531, as redesignated by section 4202(a), is amended by striking out "defense industrial base" in subsection (a)(1) and inserting in lieu thereof "defense technology and industrial base".

SEC. 4272. FUNDING FOR DEFENSE MANUFACTURING EDUCATION PROGRAMS FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 201 for Defense Agencies—

(1) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of title 10, United States Code, and

(2) $5,000,000 shall be available for the manufacturing experts in the classroom program under section 2197 of such title.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS AND YOUTH SERVICE PROGRAMS

SEC. 4301. EXPANSION OF ADJUSTMENT ASSISTANCE AVAILABLE TO STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) OPERATIONAL ASSISTANCE.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In the case of a State or local government eligible for assistance under paragraph (1), the Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the State or local government to carry out a community adjustment and economic diversification program (including State industrial extension or modernization efforts to facilitate the economic diversification of defense contractors and subcontractors) in addition to planning such a program.

"(B) The Secretary shall establish criteria for the selection of community adjustment and economic diversification programs to receive assistance under subparagraph (A). Such criteria shall include a requirement that the State or local government agree—

"(i) to provide not less than 10 percent of the funding for the program from non-Federal sources;

"(ii) to provide business planning and market exploration services under the program to defense contractors and subcontractors that seek modernization or diversification assistance; and

"(iii) to provide training, counseling, and placement services for members of the armed forces and dislocated defense workers.

"(C) The Secretary shall carry out this paragraph in coordination with the Secretary of Commerce.".

(b) ASSISTANCE UPON CLOSURE OF PRIVATE DEFENSE FACILITIES.—(1) Subsection (b)(1) of such section is amended—

(A) by striking out ", or (D)" and inserting in lieu thereof ", (D)";

(B) by striking out "or (C)" and inserting in lieu thereof "(C), or (E)"; and

(C) by inserting before "if the Secretary" the following: "or (E) by the closure or the significantly reduced operations of a defense facility as the result of the merger, acquisition, or consolidation of the defense contractor operating the defense facility,".

(2) Subsection (b)(3) of such section is amended by inserting after "Defense spending," the following: "the closure or significantly reduced operations of a defense facility,".

(3) Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—In this section:

"(1) The term 'military installation' means any camp, post, station, base, yard, or other installation under the jurisdiction of a military department that is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

"(2) The term 'defense facility' means any private facility producing goods or services pursuant to a defense contract.".

(c) CLERICAL AMENDMENTS.—Such section is further amended—

(1) by inserting "REUSE STUDIES.—" after "(a)";

(2) by inserting "ADJUSTMENT AND DIVERSIFICATION ASSISTANCE.—" after "(b)";

(3) by inserting "ANNUAL REPORT.—" after "(c)"; and

(4) by inserting "ASSISTANCE SUBJECT TO APPROPRIATIONS.—" after "(e)".

(d) ADVANCE ADJUSTMENT PLANNING.—During fiscal year 1993, the Secretary of Defense may make grants and other assistance available under section 2391(b) of title 10, United States Code, to assist a State or local government in planning community adjustments and economic diversification even though the State or local government currently fails to meet the criteria for assistance under such section if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the adjustment or diversification planning is dependent on Department of Defense expenditures.

(e) FUNDING FOR FISCAL YEAR 1993.—(1) Of the amount authorized to be appropriated in section 301(5), $50,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b)(4) of title 10, United States Code, as added by subsection (a)(2).

(2) The Secretary of Defense may use up to five percent of the amount described in paragraph (1) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under such section.

(3) Of the amount authorized to be appropriated to the Department of Defense in section 301(5) and made available for fiscal year 1993 for the Office of Economic Adjustment, $2,000,000 shall be made available for community adjustment and economic diversification assistance under subsection (d).

(f) EFFECT OF AMENDMENTS ON EFFORTS OF ECONOMIC DEVELOPMENT ADMINISTRATION.—Nothing in this section is intended to replace the efforts of the economic development program administered by the Economic Development Administration of the Department of Commerce.

SEC. 4302. PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) PILOT PROJECT.—During fiscal year 1993, the Secretary of Defense shall conduct a pilot project to examine methods to improve the provision of economic adjustment and diversification assistance under section 2391(b)(1) of title 10, United States Code, to State and local governments adversely affected by the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending.

(b) PLANNING GRANTS.—Under the pilot project, the Secretary of Defense shall make planning grants under section 2391(b)(1) of title 10, United States Code, to State and local governments in four study areas selected by the Secretary. The total amount of grants under the pilot program may not exceed $500,000 per study area.

(c) STUDY AREAS.—In selecting study areas for inclusion in the pilot program, the Secretary of Defense shall ensure that—

(1) one study area covers an area in which the local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility;

(2) one study area covers an area in which the local economy would be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons;

(3) one study area covers an area in which the local economy would be adversely affected by the closing of a military installation; and

(4) one study area covers an area in which the local economy would be adversely affected by at least two of the changes referred to in the preceding paragraphs.

(d) USE OF GRANTS.—Grants made under the pilot program may be used to determine the needs of the communities in a study area as they experience the economic dislocation associated with the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending and develop responses tailored to those needs through the use of a wide variety of sources and expertise in the communities.

(e) MONITORING OF GRANT USE.—The Secretary of Defense shall monitor the activities under the pilot project to develop a more complete understanding of the unique needs of each type of study area and the methodologies that may be successful in addressing similar economic dislocation in other communities in the United States.

(f) FUNDING.—Of the amount authorized to be appropriated in section 301(5), $2,000,000 shall be made available for grants under this section.

SEC. 4303. REPORT ON ALTERNATIVES TO PRESENT PRIORITY FOR TRANSFER OF EXCESS DEFENSE SUPPLIES TO STATE AND LOCAL GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The reduction in the size of the United States military will result in an increase in nonlethal supplies of the Department of Defense that are in excess of current and projected requirements of the Department of Defense.

(2) Agencies of State and local governments, many of which are suffering economic hardship,

may be able to use the excess nonlethal supplies to create jobs for the citizens of the United States and to stimulate national economic growth.

(b) REPORTING REQUIREMENT.—Not later than February 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternatives to the existing procedures for management of the Department of Defense excess property program for nonlethal supplies (including excess construction, mining, excavating and highway maintenance equipment) in order to provide higher priority for State agencies to receive such excess supplies.

(c) DEFINITIONS.—For purposes of subsection (b), the term "supplies" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 4304. LIMITATION ON USE OF EXCESS CONSTRUCTION OR FIRE EQUIPMENT FROM DEPARTMENT OF DEFENSE STOCKS IN FOREIGN ASSISTANCE OR MILITARY SALES PROGRAMS.

(a) LIMITATION ON USE OF CERTAIN EXCESS EQUIPMENT.—Subchapter II of chapter 152 of title 10, United States Code, as amended by section 304(c)(1), is amended by adding at the end the following new section:

"§2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs

"(a) LIMITATION.—Excess construction or fire equipment from the stocks of the Department of Defense may be transferred to any foreign country or international organization pursuant to part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export Control Act (22 U.S.C. 2761) only if—

"(1) no department or agency of the Federal Government (other than the Department of Defense), no State, and no other person or entity eligible to receive excess or surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 et seq.) submits to the Defense Reutilization and Marketing Service a request for such equipment during the period for which the Defense Reutilization and Marketing Service accepts such a request; or

"(2) the President determines that the transfer is necessary in order to respond to an emergency for which the equipment is especially suited.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the authority to transfer construction or fire equipment under section 2547 of this title.

"(c) DEFINITION.—In this section, the term 'construction or fire equipment' includes tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, and miscellaneous fire fighting equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 304(c)(2), is amended by adding at the end the following new item:

"2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.".

SEC. 4305. COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION.

Of the amount authorized to be appropriated in section 301(5), $80,000,000 shall be available for the provision of economic adjustment assistance pursuant to section 4103 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note) to substantially and seriously affected communities (as defined in section 4003(5)(A) of such Act).

SEC. 4306. REPORT RELATING TO CONTINUING HEALTH BENEFITS COVERAGE OF CERTAIN TERMINATED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than March 1, 1993, the Under Secretary of Defense for Acquisition shall submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage to employees of such contractors who are involuntarily separated from such employment by reason of the termination or curtailment of defense contracts.

(b) CONTENT OF REPORT.—The report shall contain—

(1) an estimate of the number of employees referred to in subsection (a) who will be involuntarily separated from employment referred to in that subsection for the reason referred to in that subsection during each of fiscal years 1993 and 1994;

(2) an estimate of the number of such employees who will elect in each such fiscal year to receive continuation coverage under section 4980B of the Internal Revenue Code of 1986, and an estimate of the aggregate monthly costs that will be incurred during such fiscal years by such employees who make the elections;

(3) an estimate of the cost to the Department of Defense of providing continuing health benefits coverage to such employees in the same manner as continuing health benefits are provided to individuals under paragraph (4) of section 8905a(d) of title 5, United States Code, as added by section 346(a);

(4) an assessment of the capability of the employers of such employees to bear a portion or all of the costs estimated under paragraph (3) and a description of any current efforts by such employers to bear such costs; and

(5) recommendations relating to the optimal allocation of such costs between the Federal Government and such employers.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

Subtitle A—Active Forces Transition Enhancements

SEC. 4401. IMPROVEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) ADVANCE NOTICE OF SEPARATION TO MEMBER.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended by striking out "Upon the discharge" and inserting in lieu thereof "As soon as possible before, but in no event later than 90 days before, the date of the discharge".

(b) CREATION OF TRANSITION PLAN.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) The creation of a transition plan for the member to attempt to achieve the educational, training, and employment objectives of the member and, if the member has a spouse, the spouse of the member.".

SEC. 4402. AUTHORIZATION OF TEMPORARY RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) TEMPORARY RATE OF BASIC PAY.—Subject to subsection (b), the rate of monthly basic pay for a member of the uniformed services who is entitled to such pay under section 204 of title 37, United States Code, is in pay grade E-7, E-8, E-9, W-4, W-5, or O-6, and has over 24, but under 26, years of service (as computed under section 205 of such title) shall be as set forth in the following table:

Temporary Rate of Monthly Basic Pay

Pay Grade	*24-26 Years of Service*
E-7	*$2,359.30*
E-8	*$2,639.70*
E-9	*$2,977.70*
W-4	*$3,430.90*
W-5	*$3,827.30*
O-6	*$5,417.70*

(b) TEMPORARY APPLICATION OF PAY RATE.—The rates of monthly basic pay established under subsection (a) shall be effective for months beginning after December 31, 1992, and before October 1, 1995, except that a member of the uniformed services who is entitled to a rate of special pay under such subsection on September 1, 1995, shall continue to be entitled to such rate (and any adjustment pursuant to subsection (c)) so long as the member remains entitled to basic pay under section 204 of title 37, United States Code, and is in pay grade E-7, E-8, E-9, W-4, W-5, or O-6.

(c) ADJUSTMENTS OF COMPENSATION.—The rates of monthly basic pay established under subsection (a) shall be adjusted in accordance with section 1009 of title 37, United States Code, or other applicable provision of law, except that the increase in the rates of basic pay made by section 601(b) shall not apply to the rates established under subsection (a).

SEC. 4403. TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense a temporary additional force management tool with which to effect the drawdown of military forces through 1995.

(b) RETIREMENT FOR 15 TO 20 YEARS OF SERVICE.—(1) During the active force drawdown period, the Secretary of the Army may—

(A) apply the provisions of section 3911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 3914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20"; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(2) During the active force drawdown period, the Secretary of the Navy may—

(A) apply the provisions of section 6323 of title 10, United States Code, to an officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 6330 of such title to an enlisted member of the Navy or Marine Corps with at least 15 but less than 20 years of service by substituting "15 or more years" for "20 or more years" in the first sentence of subsection (a), in the case of an enlisted member of the Navy, and in the second sentence of subsection (b), in the case of an enlisted member of the Marine Corps; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(3) During the active force drawdown period, the Secretary of the Air Force may—

(A) apply the provisions of section 8911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section; and

(B) apply the provisions of section 8914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20".

(c) ADDITIONAL ELIGIBILITY REQUIREMENT.—In order to be eligible for retirement by reason of the authority provided in subsection (b), a member of the Armed Forces shall—

(1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a)); and

(2) receive information regarding public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

(d) REGULATIONS.—The Secretary of each military department may prescribe regulations and policies regarding the criteria for eligibility for early retirement by reason of eligibility pursuant to this section and for the approval of applications for such retirement. Such criteria may include factors such as grade, years of service, and skill.

(e) COMPUTATION OF RETIRED PAY.—Retired or retainer pay of a member retired (or transferred to the Fleet Reserve or Fleet Marine Corps Reserve) under a provision of title 10, United States Code, by reason of eligibility pursuant to subsection (b) shall be reduced by ½th of 1 percent for each full month by which the number of months of active service of the member are less than 240 as of the date of the member's retirement (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve).

(f) FUNDING.—(1) Notwithstanding section 1463 of title 10, United States Code, and subject to the availability of appropriations for this purpose, the Secretary of each military department shall provide in accordance with this section for the payment of retired pay payable during the fiscal years covered by the other provisions of this subsection to members of the Armed Forces under the jurisdiction of that Secretary who are being retired under the authority of this section.

(2) In each fiscal year in which the Secretary of a military department retires a member of the Armed Forces under the authority of this section, the Secretary shall credit to a subaccount (which the Secretary shall establish) within the appropriation account for that fiscal year for pay and allowances of active duty members of the Armed Forces under the jurisdiction of that Secretary such amount as is necessary to pay the retired pay payable to such member for the entire initial period (determined under paragraph (3)) of the entitlement of that member to receive retired pay.

(3) The initial period applicable under paragraph (2) in the case of a retired member referred to in that paragraph is the number of years (and any fraction of a year) that is equal to the difference between 20 years and the number of years (and any fraction of a year) of service that were completed by the member (as computed under the provision of law used for determining the member's years of service for eligibility to retirement) before being retired under the authority of this section.

(4) The Secretary shall pay the member's retired pay for such initial period out of amounts credited to the subaccount under paragraph (2). The amounts so credited with respect to that member shall remain available for payment for that period.

(5) For purposes of this subsection—

(A) the transfer of an enlisted member of the Navy or Marine Corps to the Fleet Reserve or Fleet Marine Corps Reserve shall be treated as a retirement; and

(B) the term "retired pay" shall be treated as including retainer pay.

(g) COORDINATION WITH OTHER SEPARATION PROVISIONS.—(1) A member of the Armed Forces retired under the authority of this section is not entitled to benefits under section 1174, 1174a, or 1175 of title 10, United States Code.

(2) Section 638a(b)(4)(C) of title 10, United States Code, is amended by inserting "(other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993)" after "any provision of law".

(h) MEMBERS RECEIVING SSB OR VSI.—The Secretary of a military department may retire (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve) pursuant to the authority provided by this section a member of a reserve component who before the date of the enactment of this Act was separated from active duty pursuant to an agreement entered into under section 1174a or 1175 of title 10, United States Code. The retired or retainer pay of any such member so retired (or transferred) by reason of the authority provided in this section shall be reduced by the amount of any payment to such member before the date of such retirement under the provisions of such agreement under section 1174a or 1175 of title 10, United States Code.

(i) ACTIVE FORCE DRAWDOWN PERIOD.—For purposes of this section, the active force drawdown period is the period beginning on the date of the enactment of this Act and ending on October 1, 1995.

SEC. 4404. OPPORTUNITY FOR CERTAIN PERSONS TO ENROLL IN ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by adding after section 3018A the following new section:

"§3018B. Opportunity for certain persons to enroll

"(a) Notwithstanding any other provision of law—

"(1) the Secretary of Defense shall, subject to the availability of appropriations, allow an individual who—

"(A) is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph; or

"(2) the Secretary, in consultation with the Secretary of Defense, shall, subject to the availability of appropriations, allow an individual who—

"(A) separated before the date of enactment of this section from the active military, naval, or air service with an honorable discharge and received or is receiving voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before making an election under this paragraph pursuant to procedures which the Secretary shall provide, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, which shall be similar to the regulations prescribed under paragraph (1)(C) of this subsection;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before making an election under this paragraph to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before the one-year period beginning on the date of enactment of this section, elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph,

to elect to become entitled to basic education assistance under this chapter.

"(b)(1) The basic pay or voluntary separation incentives of an individual who makes an election under subsection (a)(1) to become entitled to basic education assistance under this chapter shall be reduced by $1,200.

"(2) The Secretary shall collect $1,200 from an individual who makes an election under subsection (a)(2) to become entitled to basic education assistance under this chapter, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) or (a)(2)(C) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2)(D) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 3223(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 3015(e) of this chapter.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity for certain persons to enroll.".

(2) Section 3013(d) of such title is amended by inserting "or 3018B" after "section 3018A".

(3) Section 3035(b) of such title is amended—

(A) in paragraph (3), by inserting "or 3018B" after "section 3018A"; and

(B) in paragraph (3)(B), by inserting ", 3018B(a)(1)(C), or 3018B(a)(2)(C)" after "section 3018A(a)(3)".

SEC. 4405. AUTHORIZED BENEFITS UNDER SPECIAL SEPARATION BENEFITS PROGRAM AND VOLUNTARY SEPARATION INCENTIVE.

(a) TRAVEL AND TRANSPORTATION BENEFITS UNDER SSB.—Subsection (b)(2)(B) of section 1174a of title 10, United States Code, is amended by inserting after "chapter 58 of this title" the following: ", sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note)".

(b) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS UNDER VSI.—Section 1175 of such title is amended by adding at the end the following new subsection:

"(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title, sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note) for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in sections 1174a and 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of the provisions of those amendments during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 4406. CALCULATION OF ANNUAL PAYMENT OF VOLUNTARY SEPARATION INCENTIVE.

(a) RECOUPMENT OF ACTIVE OR RESERVE PAY.—Section 1175(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "shall forfeit" and all that follows and inserting in lieu thereof "may elect to have a reduction in the voluntary separation incentive payable for the same period in an amount not to exceed the amount of the basic pay or compensation received for that period."; and

(2) in paragraph (3), by adding at the end the following new sentence: "If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced accordingly.".

(b) CREDITING OF MILITARY SERVICE FOR CIVIL SERVICE RETIREMENT.—Such section is further amended by striking out paragraph (6).

(c) EFFECTIVE DATE.—The amendments to section 1175 of title 10, United States Code, made by subsections (a) and (b) shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991.

SEC. 4407. IMPROVED CONVERSION HEALTH POLICIES AS PART OF TRANSITIONAL MEDICAL CARE.

(a) SEPARATED MEMBERS.—Section 1145(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.";

(2) in paragraph (2)(A), by striking out "one-year period" and inserting in lieu thereof "18-month period"; and

(3) by adding at the end the following new paragraphs:

"(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (5), a member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(5) The amount paid by a member who purchases a conversion health policy from the Secretary of Defense under paragraph (4) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(6) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(b) ONE-YEAR DEPENDENTS.—Section 1086a(a) of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: "A conversion health policy offered under this subsection shall provide coverage for not less than a 24-month period.";

(2) in subsection (b)(1), by striking out "one-year period" and inserting in lieu thereof "24-month period";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

"(c) EFFECT OF UNAVAILABILITY OF POLICIES.—(1) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to offer conversion health policies under subsection (a) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall provide the coverage required under such a policy through the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (2), a person receiving coverage under this subsection shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(2) The amount paid by a person who purchases a conversion health policy from the Secretary of Defense under paragraph (1) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(3) In order to reduce premiums required under paragraph (1), the Secretary of Defense may offer a program of coverage that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(c) APPLICATION TO EXISTING CONTRACTS.—In the case of conversion health policies provided under section 1145(b) or 1086a(a) of title 10, United States Code, and in effect on the date of the enactment of this Act, the Secretary of Defense shall—

(1) arrange with the private insurer providing these policies to extend the term of the policies (and coverage of preexisting conditions) as provided by the amendments made by this section; or

(2) make other arrangements to implement the amendments made by this section with respect to these policies.

SEC. 4408. CONTINUED HEALTH COVERAGE.

(a) MEMBERS, EMANCIPATED CHILDREN, AND FORMER SPOUSES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078 the following new section:

"§1078a. Continued health benefits coverage

"(a) PROVISION OF CONTINUED HEALTH COVERAGE.—Beginning on October 1, 1994, the Secretary of Defense shall implement and carry out a program of continued health benefits coverage in accordance with this section to provide persons described in subsection (b) with temporary health benefits comparable to the health benefits provided for former civilian employees of the Federal Government and other persons under section 8905a of title 5.

"(b) ELIGIBLE PERSONS.—The persons referred to in subsection (a) are the following:

"(1) A member of the armed forces who—

"(A) is discharged or released from active duty (or full-time National Guard duty), whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

"(B) immediately preceding that discharge or release, is entitled to medical and dental care under section 1074(a) of this title (except in the case of a member discharged or released from full-time National Guard duty); and

"(C) after that discharge or release and any period of transitional health care provided under section 1145(a) of this title, would not otherwise be eligible for any benefits under this chapter.

"(2) A person who—

"(A) ceases to meet the requirements for being considered an unmarried dependent child of a member or former member of the armed forces under section 1072(2)(D) of this title;

"(B) on the day before ceasing to meet those requirements, was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) would not otherwise be eligible for any benefits under this chapter.

"(3) A person who—

"(A) is an unremarried former spouse of a member or former member of the armed forces; and

"(B) on the day before the date of the final decree of divorce, dissolution, or annulment was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) is not a dependent of the member or former member under subparagraphs (F) or (G) of section 1072(2) of this title or ends a one-year period of dependency under subparagraph (H) of such section.

"(c) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary of Defense shall prescribe regulations to provide for persons described in subsection (b) to be notified of eligibility to receive health benefits under this section.

"(2) In the case of a member who becomes (or will become) eligible for continued coverage under subsection (b)(1), the regulations shall provide for the Secretary concerned to notify the member of the member's rights under this section as part of preseparation counseling conducted under section 1142 of this title or any other provision of other law.

"(3) In the case of a child of a member or former member who becomes eligible for continued coverage under subsection (b)(2), the regulations shall provide that—

"(A) the member or former member may submit to the Secretary concerned a written notice of the child's change in status (including the child's name, address, and such other information as the Secretary of Defense may require); and

"(B) the Secretary concerned shall, within 14 days after receiving that notice, inform the child of the child's rights under this section.

"(4) In the case of a former spouse of a member or former member who becomes eligible for continued coverage under subsection (b)(3), the regulations shall provide appropriate notification provisions and a 60-day election period under subsection (d)(3).

"(d) ELECTION OF COVERAGE.—In order to obtain continued coverage under this section, an appropriate written election (submitted in such manner as the Secretary of Defense may prescribe) shall be made as follows:

"(1) In the case of a member described in subsection (b)(1), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date of the discharge or release of the member from active duty or full-time National Guard duty;

"(B) the date on which the period of transitional health care applicable to the member under section 1145(a) of this title ends; or

"(C) the date the member receives the notification required pursuant to subsection (c).

"(2)(A) In the case of a child of a member or former member who becomes eligible for continued coverage subsection (b)(2), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(i) the date on which the child first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title, or

"(ii) the date the child receives the notification pursuant to subsection (c).

"(B) Notwithstanding subparagraph (A), if the Secretary concerned determines that the child's parent has failed to provide the notice referred to in subsection (c)(3)(A) with respect to the child in a timely fashion, the 60-day period under this paragraph shall be based only on the date under subparagraph (A)(i).

"(3) In the case of a former spouse of a member or a former member who becomes eligible for continued coverage under subsection (b)(3), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date as of which the former spouse first ceases to meet the requirements for being considered a dependent under section 1072(2) of this title; or

"(B) such other date as the Secretary of Defense may prescribe.

"(e) COVERAGE OF DEPENDENTS.—A person eligible under subsection (b)(1) to elect to receive coverage may elect coverage either as an individual or, if appropriate, for self and dependents. A person eligible under subsection (b)(2) or subsection (b)(3) may elect only individual coverage.

"(f) CHARGES.—(1) Under arrangements satisfactory to the Secretary of Defense, a person receiving continued coverage under this section shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the employee and agency contributions which would be required in the case of a similarly situated employee enrolled in a comparable health benefits plan under section 8905a(d)(1)(A)(i) of title 5; and

"(B) an amount, not to exceed 10 percent of the amount determined under subparagraph (A), determined under regulations prescribed by the Secretary of Defense to be necessary for administrative expenses; and

"(2) If a person elects to continue coverage under this section before the end of the applicable period under subsection (d), but after the person's coverage under this chapter (and any transitional extension of coverage under section 1145(a) of this title) expires, coverage shall be restored retroactively, with appropriate contributions (determined in accordance with paragraph (1)) and claims (if any), to the same extent and effect as though no break in coverage had occurred.

"(g) PERIOD OF CONTINUED COVERAGE.—(1) Continued coverage under this section may not extend beyond—

"(A) in the case of a member described in subsection (b)(1), the date which is 18 months after the date the member ceases to be entitled to care under section 1074(a) of this title and any transitional care under section 1145 of this title, as the case may be;

"(B) in the case of a person described in subsection (b)(2), the date which is 36 months after the date on which the person first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; and

"(C) in the case of a person described in subsection (b)(3), except as provided in paragraph (4), the date which is 36 months after the later of—

"(i) the date on which the final decree of divorce, dissolution, or annulment occurs; and

"(ii) if applicable, the date the one-year extension of dependency under section 1072(2)(H) of this title expires.

"(2) Notwithstanding paragraph (1)(B), if a child of a member becomes eligible for continued coverage under subsection (b)(2) during a period of continued coverage of the member for self and dependents under this section, extended coverage of the child under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(3) Notwithstanding paragraph (1)(C), if a person becomes eligible for continued coverage under subsection (b)(3) as the former spouse of a member during a period of continued coverage of the member for self and dependents under this section, extended coverage of the former spouse under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(4)(A) Notwithstanding paragraph (1), in the case of a former spouse described in subparagraph (B), continued coverage under this section shall continue for such period as the former spouse may request.

"(B) A former spouse referred to in subparagraph (A) is a former spouse of a member or former member (other than a former spouse whose marriage was dissolved after the separation of the member from the service unless such separation was by retirement)—

"(i) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved;

"(ii) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the divorce, dissolution, or annulment; and

"(iii)(I) who is receiving any portion of the retired or retainer pay of the member or former member or an annuity based on the retired or retainer pay of the member; or

"(II) for whom a court order (as defined in section 1408(a)(2) of this title) has been issued for payment of any portion of the retired or retainer pay or for whom a court order (as defined in section 1447(8) of this title) or a written agreement (whether voluntary or pursuant to a court order) provides for an election by the member or former member to provide an annuity to the former spouse.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078 the following new item:

"1078a. Continued health benefits coverage.".

(b) TRANSITIONAL PROVISIONS.—The Secretary of Defense shall provide a period for the enrollment for health benefits coverage under this section by members and former members of the Armed Services for whom the availability of transitional health care under section 1145(a) of title 10, United States Code, expires before the October 1, 1994, implementation date of section 1078a of such title, as added by subsection (a).

(c) TERMINATION OF APPLICABILITY OF OTHER CONVERSION HEALTH POLICIES.—(1) No person may purchase a conversion health policy under section 1145(b) or 1086a of title 10, United States Code, on or after October 1, 1994. A person covered by such a conversion health policy on that date may cancel that policy and enroll in a health benefits plan under section 1078a of such title.

(2) No person may be covered concurrently by a conversion health policy under section 1145(b) or 1086a of such title and a health benefits plan under section 1078a of such title.

Subtitle B—Guard and Reserve Transition Initiatives

SEC. 4411. FORCE REDUCTION TRANSITION PERIOD DEFINED.

In this subtitle, the term "force reduction transition period" means the period beginning on October 1, 1991, and ending on September 30, 1995.

SEC. 4412. MEMBER OF SELECTED RESERVE DEFINED.

In this subtitle, the term "member of the Selected Reserve" means—

(1) a member of a unit in the Selected Reserve of the Ready Reserve; and

(2) a Reserve designated pursuant to section 268(b) of title 10, United States Code, who is assigned to an authorized position the performance of the duties of which qualify the member for basic pay or compensation for inactive-duty training or both .

SEC. 4413. RESTRICTION ON RESERVE FORCE REDUCTION.

(a) IN GENERAL.—During the force reduction transition period, a member of the Selected Reserve may not be involuntarily discharged from a reserve component of the Armed Forces, or involuntarily transferred from the Selected Reserve, before the Secretary of Defense has prescribed and implemented regulations that govern the treatment of members of the Selected Reserve assigned to such units and members of the Selected Reserve that are being subjected to such actions and a copy of such regulations has been transmitted to the Committees on Armed Services of the Senate and House of Representatives.

(b) SAVINGS PROVISION.—Subsection (a) shall not apply to actions completed before the date of the enactment of this Act.

SEC. 4414. TRANSITION PLAN REQUIREMENTS.

(a) PURPOSE OF PLAN.—The purpose of the regulations referred to in section 4413 shall be to ensure that the members of the Selected Reserve are treated with fairness, with respect for their service to their country, and with attention to the adverse personal consequences of Selected Reserve unit inactivations, involuntary discharges of such members from the reserve components of the Armed Forces, and involuntary transfers of such members from the Selected Reserve.

(b) SCOPE OF PLAN.—The regulations shall include—

(1) such provisions as are necessary to implement the provisions of this subtitle and the amendments made by this subtitle; and

(2) such other policies and procedures for the recruitment of personnel for service in the Selected Reserve of the Ready Reserve, and for the reassignment, retraining, separation, and retirement of members of the Selected Reserve, as are appropriate for satisfying the needs of the Selected Reserve together with the purpose set out in subsection (a).

(c) MINIMUM REQUIREMENTS FOR PLAN.—The regulations shall include the following:

(1) The giving of a priority for enrollment in, or reassignment to, Selected Reserve units not being inactivated to—

(A) personnel being separated from active-duty or full-time National Guard duty; and

(B) members of the Selected Reserve whose units are inactivated.

(2) The giving of a priority to such personnel for transfer among the reserve components of the Armed Forces in order to facilitate reassignment to such units.

(3) A requirement that the Secretaries of the military departments take diligent actions to ensure that members of the reserve components of the Armed Forces are informed in easily understandable terms of the rights and benefits conferred upon such personnel by this subtitle, by the amendments made by this subtitle, and by such regulations.

(4) Such other protections, preferences, and benefits as the Secretary of Defense considers appropriate.

(d) UNIFORM APPLICABILITY.—The regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps.

SEC. 4415. INAPPLICABILITY TO CERTAIN DISCHARGES AND TRANSFERS.

The protections, preferences, and benefits provided for in regulations prescribed in accordance with this subtitle do not apply with respect to a member of the Selected Reserve who is discharged from a reserve component of the Armed Forces or is transferred from the Selected Reserve to another category of the Ready Reserve, to the Standby Reserve, or to the Retired Reserve—

(1) at the request of the member unless such request was made and approved under a provision of this subtitle or section 1331a of title 10, United States Code (as added by section 4417);

(2) because the member no longer meets the qualifications for membership in the Selected Reserve set forth in any provision of law as in effect on the day before the date of the enactment of this Act;

(3) under adverse conditions, as characterized by the Secretary of the military department concerned; or

(4) if the member—

(A) is immediately eligible for retired pay based on military service under any provision of law;

(B) is serving as a military technician, as defined in section 8401(30) of title 5, United States Code, and would be immediately eligible for an unreduced annuity under the provisions of subchapter III of chapter 83 of such title, relating to the Civil Service Retirement and Disability System, or the provisions of chapter 84 of such title, relating to the Federal Employees' Retirement System; or

(C) is eligible for separation pay under section 1174 of title 10, United States Code.

SEC. 4416. FORCE REDUCTION PERIOD RETIREMENTS.

(a) TEMPORARY SPECIAL AUTHORITY FOR ELIMINATION OF OFFICERS FROM ACTIVE STATUS.—(1) During the force reduction transition period, the Secretary of the Army and the Secretary of the Air Force may, whenever the Secretary determines that such action is necessary, convene a board to recommend an appropriate number of officers in the reserve components of the Army or the Air Force, as the case may be, who (A) have met the age and service requirements specified in section 1331 of title 10, United States Code, for entitlement to retired pay for nonregular service except for not being at least 60 years of age, or (B) are immediately eligible for retired pay based on military service under any provision of law, for elimination from an active status.

(2) An officer who is to be eliminated from an active status under this section, shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if the officer requests it, shall be so transferred. If the officer is not transferred to the Retired Reserve, the officer shall, in the discretion of the Secretary concerned, be transferred to the appropriate inactive status list or be discharged.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be eliminated from an active status under this section without the consent of the Governor or other appropriate authority of the State or territory, Puerto Rico, or the District of Columbia, whichever is concerned.

(b) TEMPORARY SPECIAL AUTHORITY.—During the period referred to in subsection (c), the Secretary concerned may grant a member of the Selected Reserve under the age of 60 years the annual payments provided for under this section if—

(1) as of October 1, 1991, that member has completed at least 20 years of service computed under section 1332 of title 10, United States Code, or after that date and before October 1, 1995, such member completes 20 years of service computed under that section;

(2) the member satisfies the requirements of paragraphs (3) and (4) of section 1331(a) of title 10, United States Code; and

(3) the member applies for transfer to the Retired Reserve—

(A) in the case of a member who has not received the notice required by section 1331(d) of that title before the date of the enactment of this Act, within one year after receiving such notice; and

(B) in the case of a member who received such a notice before the date of the enactment of this Act, within one year after that date.

(c) PERIOD OF APPLICABILITY.—The period referred to in subsection (b) is, with respect to a member of the Selected Reserve, the force reduction transition period, the period provided under paragraph (3) of that subsection for the member to submit an application, and the period necessary for taking action on that application.

(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for 5 years, except that if the member attains 60 years of age during the 5-year period the entitlement to the annual payment shall terminate on the member's 60th birthday.

(e) COMPUTATION OF ANNUAL PAYMENT.—(1) The annual payment for a member shall be equal to the amount determined by multiplying the product of 12 and the applicable percent under paragraph (2) by the monthly basic pay to which the member would be entitled if the member were serving on active duty as of the date the member is transferred to the Retired Reserve.

(2)(A) Subject to subparagraph (B) the percent applicable to a member for purposes of paragraph (1) is 5 percent plus 0.5 percent for each full year of service, computed under section 1332 of title 10, United States Code, that a member has completed in excess of 20 years before transfer to the Retired Reserve.

(B) The maximum percent applicable under this paragraph is 10 percent.

(f) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary concerned may limit the applicability of this section to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(g) NONDUPLICATION OF BENEFITS.—A member transferred to the Retired Reserve under the authority of section 1331a of title 10, United States Code (as added by section 4417), may not be paid annual payments under this section.

(h) FUNDING.—To the extent provided in appropriations Acts, payments under this section in a fiscal year shall be made out of amounts available to the Department of Defense for that fiscal year for the pay of reserve component personnel.

SEC. 4417. RETIREMENT WITH 15 YEARS OF SERVICE.

(a) AUTHORITY.—Chapter 67 of title 10, United States Code, is amended by inserting after section 1331 the following new section:

"§1331a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 1331 of this title, the Secretary of a military department may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 1332 of this title; or

"(B) after that date and before October 1, 1995, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary within one year after the date of the notification referred to in paragraph (1), transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993 and ending on October 1, 1995.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary of the military department concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993.

"(d) EXCLUSION.—This section does not apply to persons referred to in section 1331(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1331 the following new item:

"1331a. Temporary special retirement qualification authority.".

SEC. 4418. SEPARATION PAY.

(a) ELIGIBILITY.—Subject to section 4415, a member of the Selected Reserve who, after completing at least 6 years of service computed under section 1332 of title 10, United States Code, and before completing 15 years of service computed under that section, is involuntarily discharged from a reserve component of the Armed Forces or is involuntarily transferred from the Selected Reserve is entitled to separation pay.

(b) AMOUNT OF SEPARATION PAY.—(1) The amount of separation pay which may be paid to a person under this section is 15 percent of the product of—

(A) the years of service credited to that person under section 1333 of title 10, United States Code; and

(B) 62 times the daily equivalent of the monthly basic pay to which the person would have been entitled had the person been serving on active duty at the time of the person's discharge or transfer.

(2) In the case of a person who receives separation pay under this section and who later receives basic pay, compensation for inactive duty training, or retired pay under any provision of law, such basic pay, compensation, or retired pay, as the case may be, shall be reduced by 75 percent until the total amount withheld through such reduction equals the total amount of the separation pay received by that person under this section.

(c) RELATIONSHIP TO OTHER SERVICE-RELATED PAY.—Subsections (g) and (h) of section 1174 of title 10, United States Code, shall apply to separation pay under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.

SEC. 4419. WAIVER OF CONTINUED SERVICE REQUIREMENT FOR CERTAIN RESERVISTS FOR MONTGOMERY GI BILL BENEFITS.

(a) CHAPTER 106.—Section 2133(b)(1) of title 10, United States Code, is amended to read as follows:

"(b)(1) In the case of a person—

"(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this chapter; or

"(B) who, on or after the date on which such person became entitled to educational assistance under this chapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of this title,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.".

(b) CHAPTER 30.—Section 3012(b)(1)(B) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (i);

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

(3) by adding after clause (ii) the following:

"(iii) who, before completing the four years of service described in clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section, ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of title 10.".

SEC. 4420. COMMISSARY AND EXCHANGE PRIVILEGES.

The Secretary of Defense shall prescribe regulations to authorize a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period to continue to use commissary and exchange stores in the same manner as a member of the Selected Reserve for a period of two years beginning on the later of—

(1) the date on which that person ceases to be a member of the Selected Reserve; or

(2) the date of the enactment of this Act.

SEC. 4421. APPLICABILITY AND TERMINATION OF BENEFITS.

(a) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may limit the applicability of a benefit provided under sections 4418 through 4420 to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(b) INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.—Sections 4418 through 4420 do not apply with respect to personnel who cease to be members of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned.

(c) TERMINATION OF BENEFITS.—The eligibility of a member of a reserve component of the Armed Forces (after having involuntarily ceased to be a member of the Selected Reserve) to receive benefits and privileges under sections 4418 through 4420 terminates upon the involuntary separation of such member from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned.

SEC. 4422. READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS OF THE RESERVE COMPONENTS.

(a) SPECIAL SEPARATION BENEFITS.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty" after "active duty";

(2) in subsection (c)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(3) in subsection (c)(3), by inserting after "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(4) in subsection (c)(4), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty", and by inserting "and" after the semicolon at the end; and

(5) in subsection (c), by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(2) in subsection (b)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty"; and

(3) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

Subtitle C—Department of Defense Civilian Personnel Transition Initiatives

SEC. 4431. GOVERNMENT-WIDE LIST OF VACANT POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Government-wide list of vacant positions

"(a) For the purpose of this section, the term 'agency' means an Executive agency, excluding the General Accounting Office and any agency (or unit thereof) whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President.

"(b) The Office of Personnel Management shall establish and keep current a comprehensive list of all announcements of vacant positions in the competitive service within each agency that are to be filled by appointment for more than one year and for which applications are being (or will soon be) accepted from outside the agency's work force.

"(c) Included for any position listed shall be—

"(1) a brief description of the position, including its title, tenure, location, and rate of pay;

"(2) application procedures, including the period within which applications may be submitted and procedures for obtaining additional information; and

"(3) any other information which the Office considers appropriate.

"(d) The list shall be available to members of the public.

"(e) The Office shall prescribe such regulations as may be necessary to carry out this section. Any requirement under this section that agencies notify the Office as to the availability of any vacant positions shall be designed so as to avoid any duplication of information otherwise required to be furnished under section 3327 of this title or any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3328 the following:

"3329. Government-wide list of vacant positions.".

SEC. 4432. TEMPORARY MEASURES TO FACILITATE REEMPLOYMENT OF CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), excluding the General Accounting Office and the Department of Defense; and

(2) the term "displaced employee" means any individual who is—

(A) an employee of the Department of Defense who has been given specific notice that such employee is to be separated due to a reduction in force; or

(B) a former employee of the Department of Defense who was involuntarily separated therefrom due to a reduction in force.

(b) METHOD OF CONSIDERATION.—In accordance with regulations which the Office of Personnel Management shall prescribe, consistent with otherwise applicable provisions of law, an

agency shall, in filling a vacant position for which a qualified displaced employee has applied in timely fashion, give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position.

(c) LIMITATION.—A displaced employee is entitled to consideration in accordance with this section for the 24-month period beginning on the date such employee receives the specific notice referred to in subsection (a)(2)(A), except that, if the employee is separated pursuant to such notice, the right to such consideration shall continue through the end of the 24-month period beginning on the date of separation.

(d) APPLICABILITY.—(1) This section shall apply to any individual who—

(A) became a displaced employee within the 12-month period ending immediately before the date of the enactment of this Act; or

(B) becomes a displaced employee on or after the date of the enactment of this Act and before October 1, 1997.

(2) In the case of a displaced employee described in paragraph (1)(A), for purposes of computing any period of time under subsection (c), the date of the specific notice described in subsection (a)(2)(A) (or, if the employee was separated as described in subsection (a)(2)(B) before the date of enactment of this Act, the date of separation) shall be deemed to have occurred on such date of enactment.

(3) Nothing in this section shall be considered to apply with respect to any position—

(A) which has been filled as of the date of enactment of this Act; or

(B) which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

SEC. 4433. REDUCTION-IN-FORCE NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—(1) Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1)(A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

(2) The amendment made by paragraph (1) shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The provisions of section 3502(d) and (e) of title 5, United States Code (as added by subsection (a)) shall apply to employees of the Department of Defense according to their terms, except that, with respect to any reduction in force within that agency that would involve the separation of a significant number of employees (as determined under paragraph (1)(B) of such section 3502(d)), any reference in such section 3502(d) to "60 days" shall, in the case of the employees described in paragraph (2), be deemed to read "120 days".

(2) The employees described in this paragraph are those employees of the Department of Defense who are to be separated, due to a reduction in force described in paragraph (1), effective on or after the last day of the 90-day period referred to in subsection (a)(2) and before February 1, 1998.

(3) Nothing in this subsection shall prevent the application of the amendment made by subsection (a) with respect to an employee if—

(A) the preceding paragraphs of this subsection do not apply with respect to such employee; and

(B) the amendment made by subsection (a) would otherwise apply with respect to such employee.

(4) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

SEC. 4434. RESTORATION OF CERTAIN LEAVE.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following:

"(3) For the purpose of this subsection, the closure of an installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).".

SEC. 4435. SKILL TRAINING PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Defense with respect to employees of the Department of Defense other than employees of the military departments, may provide not more than one year of training in training facilities of the Department to civilian employees of the Department of Defense who are separated from employment as a result of a reduction in force or a closure or realignment of a military installation.

(2) Training may be provided under this subsection during the period beginning on October 1, 1992, and ending on September 30, 1995.

(b) REGISTER OF TRAINING PROGRAMS.—Not later than February 1, 1993, the Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall publish a register of the skill training programs carried out by the Department of Defense. The register shall—

(1) include a list of the skill training programs;

(2) provide information on the location of such programs, the training provided under such programs, and the number of persons who may receive training under such programs; and

(3) identify the programs that provide training in skills that are useful to employees in the civilian work force.

SEC. 4436. SEPARATION PAY.

(a) IN GENERAL.—(1) Subchapter IX of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§5597. Separation pay

"(a) For the purpose of this section—

"(1) the term 'Secretary' means the Secretary of Defense;

"(2) the term 'defense agency' means an agency of the Department of Defense, as further defined under regulations prescribed by the Secretary; and

"(3) the term 'employee' means an employee of a defense agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

"(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, base closure, reorganization, transfer of function, or other similar action affecting 1 or more defense agencies, the Secretary shall establish a program under which separation pay may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation).

"(c) Under the program, separation pay may be offered by a defense agency only—

"(1) with the prior consent, or on the authority, of the Secretary; and

"(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Secretary may require.

"(d) Such separation pay—

"(1) shall be paid in a lump sum;

"(2) shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) if the employee were entitled to payment under such section; or

"(B) $25,000;

"(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(4) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 based on any other separation.

"(e) No amount shall be payable under this section based on any separation occurring after September 30, 1997.

"(f) The Secretary shall prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"5597. Separation pay.".

(b) SOURCE OF PAYMENTS.—(1) For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency.

(2) Of the amount authorized to be appropriated in section 301(5) for operation and maintenance for the Defense Agencies, $70,000,000 shall be made available for payment of separation pay under section 5597 of title 5, United States Code, as added by subsection (a).

(c) REPORT.—At the end of each of fiscal years 1993 through 1998, the Secretary of Defense shall submit to the President, the Congress, and the Director of the Office of Personnel Management a report on the effectiveness and costs of carrying out the amendments made by this section.

(d) TIMELY PROCESSING OF RETIREMENT BENEFITS.—(1) In order to ensure the timely processing of applications for retirement benefits, under the Civil Service Retirement System or the Federal Employees' Retirement System, for civilian employees of the Department of Defense and other employees who retire when their agency is undergoing a major reorganization, a major reduction in force, or a major transfer of function, the costs incurred by the Office of Personnel Management in processing any such application shall be deemed to be an administrative expense described in section 8348(a)(1)(B) of title 5, United States Code.

(2) This subsection shall apply with respect to applications for retirement benefits based on separations occurring before January 1, 1998.

SEC. 4437. THRIFT SAVINGS PLAN BENEFITS OF EMPLOYEES SEPARATED BY A REDUCTION IN FORCE.

(a) BENEFITS.—Section 8433(b) of title 5, United States Code, is amended by inserting "any employee who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "chapter 81 of this title,".

(b) PROTECTIONS FOR SPOUSES.—Section 8435(c)(2)(A) of title 5, United States Code, is amended by inserting ", or who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "8451 of this title".

(c) APPLICATION TO CIVIL SERVICE RETIREMENT SYSTEM EMPLOYEES.—Section 8351(b)(4) of title 5, United States Code, is amended by inserting ", separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "section 8337 of this title)".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to separations occurring after December 31, 1993, or such earlier date as the Executive Director (appointed under section 8474 of title 5, United States Code) may by regulation prescribe.

SEC. 4438. CONTINUED HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by striking "An individual" and inserting "Except as provided in paragraph (4), an individual";

(2) in paragraph (2) by striking "in accordance with paragraph (1))" and inserting "in accordance with paragraph (1) or (4), as the case may be)"; and

(3) by adding at the end the following:

"(4)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Defense due to a reduction in force—

"(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

"(ii) the agency which last employed the individual shall pay the remaining portion of the amount required under paragraph (1)(A).

"(B) This paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before—

"(i) October 1, 1997; or

"(ii) February 1, 1998, if specific notice of such separation was given to such individual before October 1, 1997.".

(b) SOURCE OF PAYMENTS.—(1) Any amount which becomes payable by an agency as a result of the enactment of subsection (a) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) Of the amounts authorized to be appropriated pursuant to section 301, $2,000,000 shall be available for agency payments under section 8905a(d)(4)(A)(ii) of title 5, United States Code, as added by subsection (a).

Subtitle D—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

SEC. 4441. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) PLACEMENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible members of the armed forces after their separation from active duty to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(2) as experiencing a shortage of teachers or teachers' aides.

"(b) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (a), the Secretary of Defense, in consultation with the Secretary of Education, shall—

"(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers;

"(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, or engineering teachers; and

"(3) periodically request information from all States to identify local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are experiencing a shortage of teachers' aides.

"(c) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the member—

"(A) during the five-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

"(B) has received—

"(i) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of a member applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(3) The Secretary may accept an application from a member who was discharged or released from active duty during the period beginning on October 1, 1990, and ending on October 1, 1992, if the member otherwise satisfies the eligibility criteria specified in paragraph (1).

"(d) INFORMATION REGARDING PLACEMENT PROGRAM.—The Secretary of Defense shall provide information regarding the placement program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title. The information provided to members shall identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements, and indicate those local educational agencies identified under subsection (b)(2) as experiencing a shortage of qualified teachers or teachers' aides.

"(e) SELECTION OF PARTICIPANTS.—(1) Selection of members to participate in the placement program authorized by subsection (a) shall be made on the basis of applications submitted to the Secretary of Defense before the date of the discharge or release of the members from active duty. In the case of members referred to in subsection (c)(3), the Secretary shall establish a reasonable time period after the date of the enactment of this section for the submission of applications. An application shall be in such form and contain such information as the Secretary may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational or military experience in another subject area identified by the Sec-

retary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsections (g) and (h) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the placement program authorized by subsection (a) shall be required to enter into an agreement with the Secretary of Defense in which the member agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of a member selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under subsection (b)(2), to begin the school year after obtaining that certification or licensure; or

"(B) in the case of a member selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under subsection (b)(3), to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A member who is entitled to benefits under section 1174a or 1175 of this title or is given early retirement under section 4403 of the National Defense Authorization Act for Fiscal Year 1993 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) GRANTS TO FACILITATE PLACEMENT.—(1) In the case of a participant in the placement program obtaining teacher certification or licensure, the Secretary of Defense shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the participant as a full-time elementary or secondary school teacher after the participant obtains teacher certification or licensure.

"(2) In the case of a participant in the program obtaining credentials to serve as a teacher's aide, the Secretary shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

"(3) Under an agreement referred to in paragraph (1) or (2)—

"(A) the local educational agency shall agree to employ the participant full time for not less than two consecutive school years (at a basic salary to be certified to the Secretary) in a school of the local educational agency serving a concentration of children from low-income families; and

"(B) the Secretary shall agree to pay to the local educational agency an amount equal to the lesser of—

"(i) the basic salary to be paid by the local educational agency to the participant during the two years; and

"(ii) $50,000.

"(4) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(5) If a participant leaves the employment of a local educational agency before the end of the two years of required service, the local educational agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the two years of required service.

"(6) The Secretary may not make a grant under this subsection to a local educational agency if the Secretary determines that the agency terminated the employment of another employee in order to fill the vacancy so created with a participant.

"(i) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the two years of required service, the participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the two years of required service.

"(2) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary. Any amount owed by a participant under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(j) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the placement program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the Armed Forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Defense.

"(2) A participant shall be excused from reimbursement under subsection (i) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

"(k) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides.".

(b) INFORMATION REGARDING PLACEMENT PROGRAM IN PRESEPARATION COUNSELING.—Section 1142(b)(4) of such title is amended by inserting before the period the following: "and information regarding the placement program established under section 1151 of this title to assist members obtain employment as elementary or secondary school teachers or teachers' aides.".

SEC. 4442. TEACHER AND TEACHERS' AIDE PLACEMENT PROGRAM FOR TERMINATED DEFENSE EMPLOYEES.

(a) PLACEMENT PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such employees by local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

"(B) has received—

"(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of an employee applying for assistance for placement as a teacher's aide in

an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1992, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) Selection of civilian employees to participate in the placement program shall be made on the basis of applications submitted to the Secretary of Defense after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

"(d) AGREEMENT.—A civilian employee selected to participate in the placement program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an employee selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(e) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A civilian employee selected to participate in the placement program who receives separation pay under section 5597 of title 5 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(4) A person who receives a stipend under section 4436 of this title shall not be paid a stipend pursuant to paragraph (1).

"(f) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement program authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4443. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR DISPLACED SCIENTISTS AND ENGINEERS OF DEFENSE CONTRACTORS.

(a) PLACEMENT PROGRAM.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides

"(a) ASSISTANCE PROGRAM.—The Secretary of Defense may enter into a cooperative agreement with a defense contractor in order—

"(1) to assist an eligible scientist or engineer employed by the contractor whose employment is terminated to obtain—

"(A) certification or licensure as an elementary or secondary school teacher; or

"(B) the credentials necessary to serve as a teacher's aide; and

"(2) to facilitate the employment of the scientist or engineer by a local educational agency that—

"(A) is receiving a grant under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within its jurisdiction concentrations of children from low-income families; and

"(B) is also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE DEFENSE CONTRACTORS.—(1) The Secretary of Defense shall establish an application and selection process for the participation of defense contractors in a cooperative agreement authorized under subsection (a).

"(2) The Secretary shall determine which defense contractors are eligible to participate in the placement program on the basis of applications submitted under subsection (c). The Secretary shall limit participation to those defense contractors or subcontractors that—

"(A) produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

"(B) have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

"(3) The Secretary shall give special consideration to defense contractors who are located in areas that have been hit particularly hard by reductions in defense spending.

"(c) DEFENSE CONTRACTOR APPLICATIONS.—(1) A defense contractor desiring to enter into a cooperative agreement with the Secretary of Defense under subsection (a) shall submit an application to the Secretary containing the following:

"(A) Evidence that the contractor has been, or is expected to be, adversely affected by the completion or termination of a defense contract or program or by reductions in defense spending.

"(B) An explanation that scientists and engineers employed by the contractor have been terminated, laid off, or retired, or are likely to be terminated, laid off, or retired, as a result of the completion or termination of a defense contract or program or reductions in defense spending.

"(C) A description of programs implemented or proposed by the contractor to assist these scientists and engineers.

"(D) A commitment to help fund the costs associated with the placement program by paying 50 percent of the stipend provided under subsection (g) to an employee or former employee of the contractor selected to receive assistance under this section.

"(2) Once a cooperative agreement is entered into under subsection (a) between the Secretary and the defense contractor, the contractor shall publicize the program and distribute applications to prospective participants, and assist the prospective participants with the State screening process.

"(d) ELIGIBLE SCIENTISTS AND ENGINEERS.—An individual shall be eligible for selection by the Secretary of Defense to receive assistance under this section if the individual—

"(1) is employed or has been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into an agreement under subsection (a);

"(2) has received—

"(A) in the case of an individual applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(3) has been terminated or laid off (or received notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending; and

"(4) satisfies such other criteria for selection as the Secretary may prescribe.

"(e) SELECTION OF PARTICIPANTS.—(1) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to individuals who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(2) The Secretary may not select an individual under this section unless the Secretary has sufficient appropriations to carry out this section available at the time of the selection to satisfy the obligations to be incurred by the United States under this section with respect to that individual.

"(f) AGREEMENT.—An individual selected under this section shall be required to enter into an agreement with the Secretary in which the participant agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as

an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an individual selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A stipend provided under this section shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement as teachers and teachers' aides of individuals selected under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4444. FUNDING FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 301(5), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410c of title 10, United States Code, as added by this subtitle.

Subtitle E—Environmental Education and Retraining Provisions

SEC. 4451. ENVIRONMENTAL SCHOLARSHIP AND FELLOWSHIP PROGRAMS FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") may conduct scholarship and fellowship programs for the purpose of enabling individuals to qualify for employment in the field of environmental restoration or other environmental programs in the Department of Defense.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship or fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in engineering, biology, chemistry, or another qualifying field related to environmental activities, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet any other requirements prescribed by the Secretary.

(c) AGREEMENT.—An agreement between the Secretary and an individual participating in a scholarship or fellowship established in subsection (a) shall be in writing, shall be signed by the individual, and shall include the following provisions:

(1) The agreement of the Secretary to provide the individual with educational assistance for a specified number of school years (not to exceed 5 years) during which the individual is pursuing a course of education in a qualifying field. The assistance may include payment of tuition, fees, books, laboratory expenses, and (in the case of a fellowship) a stipend.

(2) The agreement of the individual to perform the following:

(A) Accept such educational assistance.

(B) Maintain enrollment and attendance in the educational program until completed.

(C) Maintain, while enrolled in the educational program, satisfactory academic progress as prescribed by the institution of higher education in which the individual is enrolled.

(D) Serve, upon completion of the educational program and selection by the Secretary under subsection (e), as a full-time employee in an environmental restoration or other environmental position in the Department of Defense for the applicable period of service specified in subsection (d).

(d) PERIOD OF SERVICE.—The period of service required under subsection (c)(2)(D) is as follows:

(1) For an individual who completes a bachelor's degree under a scholarship program established under subsection (a), a period of 12 months for each school year or part thereof for which the individual is provided a scholarship under the program.

(2) For an individual who completes a master's degree or other post-graduate degree under a fellowship program established under subsection (a), a period of 24 months for each school year or part thereof for which the individual is provided a fellowship under the program.

(e) SELECTION FOR SERVICE.—The Secretary shall annually review the number and performance under the agreement of individuals who complete educational programs during the preceding year under any scholarship and fellowship programs conducted pursuant to subsection (a). From among such individuals, the Secretary shall select individuals for environmental positions in the Department of Defense, based on the type and availability of such positions.

(f) REPAYMENT.—(1) Any individual participating in a scholarship or fellowship program under this section shall agree to pay to the United States the total amount of educational assistance provided to the individual under the program, plus interest at the rate prescribed in paragraph (4), if—

(A) the individual does not complete the educational program as agreed to pursuant to subsection (c)(2)(B), or is selected by the Secretary under subsection (e) but declines to serve, or fails to complete the service, in a position in the Department of Defense as agreed to pursuant to subsection (c)(2)(D); or

(B) the individual is involuntarily separated for cause from the Department of Defense before the end of the period for which the individual has agreed to continue in the service of the Department of Defense.

(2) If an individual fails to fulfill the agreement of the individual to pay to the United States the total amount of educational assistance provided under a program established under subsection (a), plus interest at the rate prescribed in paragraph (4), a sum equal to the amount of the educational assistance (plus such interest, if applicable) shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the Department of Defense or other Federal agency, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method provided by law for the recovery of amounts owing to the United States.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program established under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(g) PREFERENCE.—In evaluating applicants for the award of a scholarship or fellowship under a program established under subsection (a), the Secretary shall give a preference to—

(1) individuals who are, or have been, employed by the Department of Defense or its contractors and subcontractors who have been engaged in defense-related activities; and

(2) individuals who are or have been members of the Armed Forces.

(h) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—The Secretary may award to qualified applicants not more than 100 scholarships (for undergraduate students) and not more than 30 fellowships (for graduate students) in fiscal year 1993.

(j) REPORT TO CONGRESS.—Not later than January 1, 1994, the Secretary shall submit to the Congress a report on activities undertaken under the programs established under subsection (a) and recommendations for future activities under the programs.

(k) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5)—

(1) $7,000,000 shall be available to carry out the scholarship and fellowship programs established in subsection (a); and

(2) $3,000,000 shall be available to provide training to Department of Defense personnel to obtain the skills required to comply with existing environmental statutory and regulatory requirements.

SEC. 4452. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE TRAINING IN ENVIRONMENTAL RESTORATION AND HAZARDOUS WASTE MANAGEMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense may establish a program to assist institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), to provide education and training in environmental restoration and hazardous waste management.

(b) FINANCIAL ASSISTANCE.—The Secretary may award grants to such institutions under the program established under subsection (a).

(c) ELIGIBILITY AND SELECTION.—(1) To be eligible for financial assistance under this section,

such an institution shall submit to the Secretary a proposal for such assistance in the time and manner and containing the information required by the Secretary.

(2) The Secretary shall, pursuant to a merit-based selection process, select such institutions to receive funding under a program established under this section based upon—

(A) the proposal of such an institution to provide expertise, training, and education in environmental restoration and hazardous waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities; and

(B) any other criteria prescribed by the Secretary.

(d) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5), $10,000,000 shall be available to carry out the program established under subsection (a).

Subtitle F—Job Training and Employment and Educational Opportunities

SEC. 4461. IMPROVED COORDINATION OF JOB TRAINING AND PLACEMENT PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall consult with the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Economic Adjustment Committee to improve the coordination of, and eliminate duplication between, the following job training and placement programs available to members of the Armed Forces who are discharged or released from active duty:

(1) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(2) Sections 1143 and 1144 of title 10, United States Code.

(3) Chapter 41 of title 38, United States Code.

(4) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(5) The Act of August 16, 1937 (Chapter 663; 50 Stat 664; 29 U.S.C. 50 et seq.), commonly known as the National Apprenticeship Act.

(6) The Wagner-Peyser Act (29 U.S.C. 49 et seq.)

SEC. 4462. ENCOURAGEMENT FOR CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PERMANENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by inserting after section 1143 the following new section:

"§1143a. Encouragement of postseparation public and community service: Department of Defense

"(a) IN GENERAL.—The Secretary of Defense shall implement a program to encourage members and former members of the armed forces to enter into public and community service jobs after discharge or release from active duty.

"(b) PERSONNEL REGISTRY.—The Secretary shall maintain a registry of members and former members of the armed forces discharged or released from active duty who request registration for assistance in pursuing public and community service job opportunities. The registry shall include information on the particular job skills, qualifications, and experience of the registered personnel.

"(c) REGISTRY OF PUBLIC SERVICE AND COMMUNITY SERVICE ORGANIZATIONS.—The Secretary shall also maintain a registry of public service and community service organizations. The registry shall contain information regarding each organization, including its location, its size, the types of public and community service positions in the organization, points of contact, procedures for applying for such positions, and a description of each such position that is likely to be available. Any such organization may request registration under this subsection and, subject to guidelines prescribed by the Secretary, be registered.

"(d) ASSISTANCE TO BE PROVIDED.—(1) The Secretary shall actively attempt to match personnel registered under subsection (b) with public and community service job opportunities and to facilitate job-seeking contacts between such personnel and the employers offering the jobs.

"(2) The Secretary shall offer personnel registered under subsection (b) counselling services regarding—

"(A) public service and community service organizations; and

"(B) procedures and techniques for qualifying for and applying for jobs in such organizations.

"(3) The Secretary may provide personnel registered under subsection (b) with access to the interstate job bank program of the United States Employment Service if the Secretary determines that such program meets the needs of separating members of the armed forces for job placement.

"(e) CONSULTATION REQUIREMENT.—In carrying out this section, the Secretary shall consult closely with the Secretary of Labor, the Secretary of Veterans Affairs, the Secretary of Education, the Director of the Office of Personnel Management, appropriate representatives of State and local governments, and appropriate representatives of businesses and nonprofit organizations in the private sector.

"(f) DELEGATION.—The Secretary, with the concurrence of the Secretary of Labor, may designate the Secretary of Labor as the executive agent of the Secretary of Defense for carrying out all or part of the responsibilities provided in this section. Such a designation does not relieve the Secretary of Defense from the responsibility for the implementation of the provisions of this section.

"(g) DEFINITIONS.—In this section, the term 'public service and community service organization' includes the following organizations:

"(1) Any organization that provides the following services:

"(A) Elementary, secondary, or postsecondary school teaching or administration.

"(B) Support of such teaching or school administration.

"(C) Law enforcement.

"(D) Public health care.

"(E) Social services.

"(F) Any other public or community service.

"(2) Any nonprofit organization that coordinates the provision of services described in paragraph (1).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1143 the following new item:

"1143a. Encouragement of postseparation public and community service: Department of Defense.".

(b) DEPARTMENT OF VETERANS AFFAIRS RESPONSIBILITIES.—Section 1142(b)(4) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including the public and community service jobs program carried out under section 1143a of this title".

(c) PRESEPARATION ASSISTANCE BY THE DEPARTMENT OF LABOR.—Section 1144(b) of such title is amended by adding at the end the following new paragraph:

"(8) Provide information regarding the public and community service jobs program carried out under section 1143a of this title.".

SEC. 4463. PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PROGRAM.—Under regulations prescribed by the Secretary of Defense after consultation with the Secretary of Transportation and subject to subsections (b) and (c), the Secretary concerned may grant to an eligible member of the Armed Forces a leave of absence for a period not to exceed one year for the purpose of permitting the member to pursue a program of education or training (including an internship) for the development of skills that are relevant to the performance of public and community service. A program of education or training referred to in the preceding sentence includes any such program that is offered by the Department of Defense or by any civilian educational or training institution.

(b) ELIGIBILITY REQUIREMENT.—(1) A member may not be granted a leave of absence under this section unless the member agrees in writing—

(A) diligently to pursue employment in public service and community service organizations upon the separation of the member from active duty in the Armed Forces; and

(B) to serve in the Ready Reserve of an armed force, upon such separation, for a period of 4 months for each month of the period of the leave of absence.

(2)(A) A member may not be granted a leave of absence under this section until the member has completed any period of extension of enlistment or reenlistment, or any period of obligated active duty service, that the member has incurred under section 708 of title 10, United States Code.

(B) The Secretary concerned may waive the limitation in subparagraph (A) for a member who enters into an agreement with the Secretary for the member to serve in the Ready Reserve of a reserve component for a period equal to the uncompleted portion of the member's period of service referred to in that subparagraph. Any such period of agreed service in the Ready Reserve shall be in addition to any other period that the member is obligated to serve in a reserve component.

(c) TREATMENT OF LEAVE OF ABSENCE.—A leave of absence under this section shall be subject to the provisions of subsections (c) and (d) of section 708 of title 10, United States Code.

(d) EXCLUSION FROM END STRENGTH LIMITATION.—A member of the Armed Forces, while on leave granted pursuant to this section, may not be counted for purposes of any provision of law that limits the active duty strength of the member's armed force.

(e) DEFINITIONS.—In this section:

(1) The term "Secretary concerned" has the meaning given such term in section 101 of title 10, United States Code.

(2) The term "eligible member of the Armed Forces" means a member of the Armed Forces who is eligible for an educational leave of absence under section 708(e) of such title.

(3) The term "public service and community service organization" has the meaning given such term in section 1143a of such title (as added by section 531(a)).

(f) EXPIRATION.—The authority to grant a leave of absence under subsection (a) shall expire on September 30, 1995.

SEC. 4464. INCREASED EARLY RETIREMENT RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.

(a) RECOMPUTATION OF RETIRED PAY.—(1) If a member or former member of the Armed Forces retired under section 4403(a) or any other provision of law authorizing retirement from the Armed Forces (other than for disability) before the completion of at least 20 years of active duty service (as computed under the applicable provision of law) is employed by a public service or community service organization listed on the registry maintained under section 1143a(c) of title 10, United States Code (as added by section 4462(a)), within the period of the member's enhanced retirement qualification period, the member's or former member's retired or retainer pay shall be recomputed effective on the first day of the first month beginning after the date

on which the member or former member attains 62 years of age.

(2) For purposes of recomputing a member's or former member's retired pay—

(A) the years of the member's or former member's employment by a public service or community service organization referred to in paragraph (1) during the member's or former member's enhanced retirement qualification period shall be treated as years of active duty service in the Armed Forces; and

(B) in applying section 1401a of title 10, United States Code, the member's or former member's years of active duty service shall be deemed as of the date of retirement to have included the years of employment referred to in subparagraph (A).

(3) Section 1405(b) of title 10, United States Code, shall apply in determining years of service under this subsection.

(4) In this subsection, the term "enhanced retirement qualification period", with respect to a member or former member retired under a provision of law referred to in paragraph (1), means the period beginning on the date of the retirement of the member or former member and ending the number of years (including any fraction of a year) after that date which when added to the number of years (including any fraction of a year) of service credited for purposes of computing the retired pay of the member or former member upon retirement equals 20 years.

(b) SBP ANNUITIES.—(1) Effective on the first day of the first month after a member or former member of the Armed Forces retired under a provision of law referred to in subsection (a)(1) attains 62 years of age or, in the event of death before attaining that age, would have attained that age, the base amount applicable under section 1447(2) of title 10, United States Code, to any Survivor Benefit Plan annuity provided by that member or former member shall be recomputed. For the recomputation the total years (including any fraction of a year) of the member's or former member's active service shall be treated as having included the member's or former member's years (including any fraction of a year) of employment referred to in subsection (a)(1) as of the date when the member or former member became eligible for retired pay under this section.

(2) In this subsection, the term "Survivor Benefit Plan" means the plan established under subchapter II of chapter 73 of title 10, United States Code.

SEC. 4465. TRAINING, ADJUSTMENT ASSISTANCE, AND EMPLOYMENT SERVICES FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended by inserting after section 325 the following new section:

"SEC. 325A. DEFENSE DIVERSIFICATION PROGRAM.

"(a) IN GENERAL.—From the amount made available under section 4465(c) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to States, substate grantees, employers, representatives of employees, labor-management committees, and other employer-employee entities to provide for training, adjustment assistance, and employment services to eligible individuals described in subsection (b) and to develop plans for defense diversification or conversion assistance to affected facilities located within an area directly affected by reductions in expenditures by the United States for defense or by closures of United States military facilities.

"(b) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

"(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the 5-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) CERTAIN DEFENSE EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

"(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

"(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

"(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

"(3) CERTAIN DEFENSE CONTRACTOR EMPLOYEES.—An employee of a private defense contractor shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(A) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(B) is not entitled to retired or retainer pay incident to that termination.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an applicant shall submit to the Secretary of Defense an application which contains such information as the Secretary may require and which meets the following requirements:

"(A) CONSULTATION.—

"(i) IN GENERAL.—(I) In the case of an applicant other than a State, such applicant shall submit an application to the Secretary of Defense developed in consultation with the State, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(II) Prior to the submission of an application under subclause (I) to the Secretary of Defense, the applicant shall submit the application to the State for review. The State shall have 30 calendar days to review the application. The applicant may submit the application to the Secretary after the date on which the State completes its review of the application or upon expiration of the 30 calendar days, whichever occurs first.

"(ii) STATES.—In the case of an applicant that is a State, such State shall submit an application to the Secretary of Defense developed in consultation with appropriate substate grantees, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(B) CONTENTS OF APPLICATION.—An application shall contain a local labor market analysis, a general assessment of basic skills, career interests, income needs, and strategies necessary for the training and placement of the population that may be served, and, where appropriate—

"(i) a preliminary outline of a program to convert the affected defense base or facility;

"(ii) preliminary plant or military base conversion proposals, and proposals for the effective use or conversion of surplus Federal property; and

"(iii) assurances that the applicant will coordinate the activities and services provided under this section with the Office of Economic Adjustment and other relevant agencies.

"(C) PROVISION OF STATE DISLOCATED WORKER SERVICES.—The applicant shall provide verification that the State dislocated worker unit has provided, or is in the process of providing, in addition to the services described in section 311(b)(3) and 314(b), the following activities and services:

"(i) The State dislocated worker unit, in conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established on-site contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals, preferably not later than 2 business days after notification of such dislocation.

"(ii) The State dislocated worker unit has promoted the formation of a labor-management committee or other employer-employee entity in the case of a facility affected by an employee dislocation or potential dislocation in accordance with section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee.

"(iii) The State dislocated worker unit has provided, in conjunction with the labor-management committee or other employer-employee en-

tity established pursuant to clause (ii), the following services:

"(I) An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section, orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee.

"(II) Initial basic readjustment services in conjunction with such services provided by substate grantees.

"(D) SKILLS UPGRADING.—The applicant shall provide assurances satisfactory to the Secretary of Defense that if the applicant uses amounts from a grant under subsection (a) for skills upgrading at defense facilities pursuant to subsection (f)(2), the applicant will maintain its expenditures from all other sources for skills upgrading at or above the average level of such expenditures in the fiscal year preceding the date of the enactment of this section.

"(2) TECHNICAL ASSISTANCE.—The Secretary of Defense may provide technical assistance to an applicant for the purpose of assisting the applicant to meet the application requirements under paragraph (1).

"(3) TIMELY DECISION.—The Secretary of Defense shall make a determination with regard to an application received under paragraph (1) not later than 30 calendar days after the date on which the Secretary receives the application.

"(4) TIMELY NOTIFICATION.—The Secretary of Defense shall provide timely written notification to an applicant upon determination by the Secretary that the applicant has not satisfied the requirements under paragraph (1).

"(d) SELECTION REQUIREMENTS.—

"(1) IN GENERAL.—In reviewing applications for grants under subsection (a), the Secretary of Defense—

"(A) in consultation with the Secretary of Labor, shall not approve an application for a grant unless the application contains assurances that the applicant will use amounts from a grant to provide needs-related payments in accordance with subsection (i);

"(B) shall select applications from areas most severely impacted by the reduction in defense expenditures and base closures, particularly areas with existing high poverty levels or existing high unemployment levels; and

"(C) shall select applications from areas which have the greatest number of eligible individuals, taking into account the ratio of eligible individuals in the affected community to the population of such community.

"(2) PRIORITY.—In reviewing applications for grants under subsection (a), the Secretary of Defense shall give priority to each of the following:

"(A) Applications received from substate grantees.

"(B) Applications received from any applicant on behalf of affected employers in a similar defense-related industry or on behalf of a single employer with multiple bases or plants within a State.

"(C) Applications demonstrating employer-employee cooperation, including the participation of labor-management committees or other employer-employee entities.

"(e) RETENTION OF PORTION OF GRANT AMOUNT BY SECRETARY OF DEFENSE.—

"(1) PORTION RELATING TO GENERAL APPLICATION REQUIREMENTS.—Subject to paragraph (2), the Secretary of Defense shall retain 25 percent of the amount of a grant awarded under subsection (a) and shall disburse the amount to the applicant not later than 90 days after the date on which the Secretary determines that the applicant is satisfactorily implementing the plans and strategies described in subsection (c)(1)(B).

"(2) PORTION RELATING TO STATE DISLOCATED WORKER SERVICES.—The Secretary of Defense shall retain up to 20 percent of the amount retained under paragraph (1) (not to exceed $50,000) and shall disburse the amount to the State dislocated worker unit not later than 90 days after the date on which the Secretary determines that the applicant has provided verification that such unit has satisfactorily provided the activities and services described in subsection (c)(1)(C). The amount disbursed under the preceding sentence shall be used to reimburse such unit for expenses incurred in providing such activities and services.

"(f) USE OF FUNDS.—Subject to the requirements of subsections (g), (h), (i), and (j), grants under subsection (a) may be used only for the following purposes:

"(1) Any purpose for which funds may be used under section 314 or this section.

"(2) Skills upgrading, which may be provided to—

"(A) individuals who are employed in nonmanagerial positions, including individuals in such positions who have received notice of termination or lay off, if such upgrading—

"(i) is integral to the conversion of a defense facility and necessary to prevent a closure or mass layoff which would result in the termination or layoff of such individuals; and

"(ii) is to replace or update obsolete skills of such individuals with marketable skills; and

"(B) individuals who have received notice of termination or lay off from non-managerial positions, including individuals who have been terminated or laid off from such positions, if such upgrading is to replace or update obsolete skills of such individuals with marketable skills, without which reemployment in a high demand occupation or industry would be unlikely.

"(3) The development and introduction of high performance workplace systems, employee and participative management systems, and workforce participation in the evaluation, selection, and implementation of new production technologies.

"(g) LIMITATION.—Not more than 20 percent of amounts received from a grant under subsection (a) shall be used for administration, conversion planning activities, and the activities described in subsection (f)(3).

"(h) ADJUSTMENT ASSISTANCE REQUIREMENTS.—The adjustment assistance requirements described in section 326(e) shall apply for purposes of grants made under subsection (a) for adjustment assistance.

"(i) NEEDS-RELATED PAYMENTS REQUIREMENTS.—The Secretary of Defense shall prescribe regulations with respect to the use of funds from grants under subsection (a) for needs-related payments in accordance with the requirements described in section 326(f) in order to enable eligible individuals to complete training or education programs. Priority for needs-related payments shall be given to eligible individuals participating in certificate or degree awarding vocational training or education programs of 1 year or more.

"(j) DEPARTMENT OF DEFENSE FINANCIAL ASSISTANCE REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall prescribe regulations to ensure that student financial assistance authorized under programs for employees of the Department of Defense and veterans is provided prior to adjustment assistance under subsection (h), needs-related payments under subsection (i), and any other student financial assistance provided under Federal law.

"(k) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out the grant program established under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to the entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

"(A) projects to assist in retraining efforts designed to address the needs of individuals who have received notice of termination or lay off and individuals who have been terminated or laid off in communities affected by such reductions or closures;

"(B) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

"(C) projects to assist communities in addressing and reducing the impact of such economic dislocation.

"(2) LIMITATION.—Not more than 10 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be used to carry out the projects established under paragraph (1).

"(l) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) LABOR-MANAGEMENT COMMITTEE.—The term 'labor-management committee'—

"(A) has the meaning given such term in section 301(b)(1); and

"(B) includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

"(2) DEFENSE CONTRACTOR.—The term 'defense contractor' means a private person producing goods or services pursuant to—

"(A) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

"(B) one or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.".

(b) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Defense may transfer any function of such Secretary under the amendment made by subsection (a) to the Secretary of Labor. Whenever such a transfer is made, any funds available to the Secretary of Defense for the performance of such function shall be transferred to the appropriate accounts of the Department of Labor.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be available to carry out section 325A of the Job Training Partnership Act, as added by subsection (a).

(d) TECHNICAL AMENDMENT.—The table of contents of the Job Training Partnership Act is amended by inserting after the item relating to section 325 the following new item:

"Sec. 325A. Defense Diversification Program.".

SEC. 4466. PARTICIPATION OF DISCHARGED MILITARY PERSONNEL IN UPWARD BOUND PROJECTS TO PREPARE FOR COLLEGE.

(a) PROGRAM.—The Secretary of Defense may carry out a program to assist a member of the Armed Forces described in subsection (b) who is accepted to participate in an upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to cover the cost of providing services through the project to the member to assist the member to prepare for and pursue a program of higher education upon separation from active duty. Assistance provided under the program may include a stipend provided under subsection (d) of such section.

(b) ELIGIBLE MEMBERS.—A member of the Armed Forces shall be eligible for assistance under subsection (a) if the member—

(1) was on active duty or full-time National Guard duty on September 30, 1990;

(2) during the five-year period beginning on that date, was or is discharged or released from such duty (under other than adverse circumstances); and

(3) submits an application to the Secretary of Defense within such time, in such form, and containing such information as the Secretary of Defense may require.

(c) NOTIFICATION OF MEMBERS PREVIOUSLY SEPARATED.—To the extent feasible, the Secretary of Defense shall notify members of the Armed Forces who, between September 30, 1990, and the date of the enactment of this Act, were discharged or released from active duty or full-time National Guard duty regarding the availability of the program under subsection (a). The Secretary may establish a time limit within which such members may apply to participate in the program.

(d) PROVISION OF ASSISTANCE.—

(1) DETERMINATION OF AMOUNT.—The amount of assistance provided under subsection (a) to a member of the Armed Forces shall be equal to the anticipated cost of providing services to the member through an upward bound project, subject to the limitation that such amount may not exceed the monthly basic pay to which the member is entitled at the time of the separation of the member. The Secretary of Defense may provide assistance in excess of that limitation if the Secretary determines, on a case by case basis, that such assistance is warranted by the special training needs of the member.

(2) CONSULTATION.—The Secretary of Education may assist the Secretary of Defense in determining the amount to be provided under paragraph (1).

(e) USE OF ASSISTANCE.—A member of the Armed Forces who is selected to participate in the program may receive services through any upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to the same extent as other individuals eligible to receive such services. A member may not participate after the end of the two-year period beginning on the date on which the member is discharged or released from active duty, except that, in the case of a member described in subsection (b) who was discharged or released from active duty before the date of the enactment of this Act, the period for participation in the program shall be two years from the date of the enactment of this Act.

(f) REIMBURSEMENT.—Upon submission to the Secretary of Defense of a request for reimbursement of the costs to provide services to a participant, the Secretary shall reimburse the upward bound project submitting the request for the actual cost of providing services (including a stipend) to the member, not to exceed the amount provided under subsection (d)(1). Funds provided under this subsection shall be in addition to the funds otherwise provided to the project under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.). Not more than 10 percent of the funds provided under this subsection may be used for administrative costs.

(g) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $5,000,000 shall be available to provide assistance under this section.

SEC. 4467. IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS UNDER THE JOB TRAINING PARTNERSHIP ACT.

(a) ADDITIONAL STATE DISLOCATED WORKER UNIT ASSISTANCE REQUIREMENTS.—Section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended—

(1) in paragraph (3)(D), by inserting before the semicolon at the end the following: ", including immediate notification to substate grantees of current or projected permanent closures or substantial layoffs in the substate area of such grantee to continue and expand the services initiated by the rapid response teams";

(2) in paragraph (9), by striking out "on the plan; and" and inserting in lieu thereof "on the plan;";

(3) in paragraph (10), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraphs:

"(11) the State unit will provide the Secretary with a cost breakdown of all funds made available under this title used by such unit for administrative expenditures; and

"(12) the State will not transfer the responsibility for the rapid response assistance functions of the State unit under section 314(b) to another entity, but the State may contract with another entity to perform rapid response assistance services.".

(b) OVERSIGHT BY SECRETARY OF RAPID RESPONSE ASSISTANCE SERVICES.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall oversee the administration by each State of the rapid response assistance services provided in such State and the effectiveness, efficiency, and timeliness of the delivery of such services. If the Secretary determines that such services are not being performed adequately, the Secretary shall implement appropriate corrective action, including, where necessary, the selection of a new rapid response assistance service provider.".

(c) EXPANDED DEFINITION OF SUBSTANTIAL LAYOFF FOR RAPID RESPONSE ASSISTANCE.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) (as amended by subsection (b)) is further amended by adding at the end the following new paragraph:

"(4) For purposes of rapid response assistance provided by a State dislocated worker unit, the term 'substantial layoff' means a layoff of 50 or more individuals.".

(d) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES PROVIDED UNDER SECTION 314.—Section 314 of such Act (29 U.S.C. 1661c) is amended—

(1) in subsection (e)(1), by inserting "is unemployed and" after "to provide needs-related payments to an eligible dislocated worker who"; and

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

"(h) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES.—(1) The term 'eligible dislocated workers' includes individuals who have not received specific notice of termination or lay off and work at a facility at which the employer has made a public announcement that such facility will close (except those individuals likely to remain employed with the same employer or likely to retire instead of seeking new employment)—

"(A) with respect to basic readjustment services provided under paragraphs (1) through (14), (16), and (18) of subsection (c); and

"(B) with respect to services provided under this section beginning 180 days before the date on which the facility is scheduled to close.

"(2) Services described in paragraph (1)(A) and provided to the individuals described in paragraph (1) shall, to the extent practicable, be funded under section 302(c)(1).".

(e) NOTICE OF TERMINATION OF CERTAIN DEFENSE EMPLOYEES FOR SERVICES PROVIDED UNDER SECTION 325.—Section 325 of such Act (29 U.S.C. 1662d) is amended by adding at the end the following new subsection:

"(e) NOTICE OF TERMINATION FOR CERTAIN DEFENSE EMPLOYEES.—

"(1) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in paragraph (2) shall be eligible for training, adjustment assistance, and employment services under subsection (a) beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under paragraph (3), whichever occurs earlier.

"(2) CERTAIN DEFENSE LAWS.—The laws referred to in this paragraph are—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) DATE.—The date determined under this paragraph is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.".

(f) PROHIBITION OF USE OF FUNDS UNDER JOB TRAINING PROGRAMS FOR TRANSFER OF FEDERAL PROPERTY AND EQUIPMENT BETWEEN FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following new subsection:

"(s) Notwithstanding any other provision of law, a job training program under this Act or an education program shall receive priority consideration for the transfer of Federal property and equipment that the Secretary of Defense determines are in excess of current and projected requirements of the Department of Defense. Such property and equipment shall be transferred at no cost to such program.".

(2) CONFORMING AMENDMENT.—Section 131(i) of the Job Training Reform Amendments of 1992 is amended by striking "adding at the end" and inserting "inserting after subsection (p)".

SEC. 4468. JOB BANK PROGRAM FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) INTERSTATE JOB BANK PROGRAM.—The Secretary of Defense shall establish a program to expand the services of and provide access to the Interstate Job Bank program in the United States Employment Service to individuals eligible for training, adjustment assistance, and employment services under sections 325 and 325A of the Job Training Partnership Act and, in the case of members of the Armed Forces so eligible, the spouses of such members. The Secretary may establish such program in coordination with the Defense Outplacement Referral System and other automated job opening networks.

(b) SERVICES INCLUDED.—The program established under subsection (a) may include the following services:

(1) A phone bank reachable by a toll-free number, staffed by an international "help desk" of individuals familiar with the services provided under section 1144 of title 10, United States Code, and related transition programs under chapter 58 of such title (in the case of members of the Armed Forces, priority shall be given to recently discharged veterans, members of the Armed Forces who have been separated from active duty, and their spouses).

(2) Interstate Job Bank satellite offices or systems at defense contractor plants by State employment security agencies and at all military bases for direct access and self-service to job listings.

(3) Specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as the Defense Outplacement Referral System (DORS) of resumes, National

Academy of Sciences Network, commercial systems, and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks to ensure that resources are available at all service locations.

(4) A system by which individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $4,000,000 shall be available to carry out the program established under subsection (a).

SEC. 4469. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN EMPLOYMENT, JOB TRAINING, AND OTHER ASSISTANCE.

Section 1144(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "$4,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$11,000,000 for fiscal year 1993 and $8,000,000 for each of fiscal years 1994 and 1995."; and

(2) in paragraph (2), by striking out "$1,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$6,500,000 for each of fiscal years 1993, 1994, and 1995.".

SEC. 4470. DEFENSE CONTRACTOR REQUIREMENT TO LIST SUITABLE EMPLOYMENT OPENINGS WITH LOCAL EMPLOYMENT SERVICE OFFICE.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2410c, as added by section 4303(a), the following new section:

"§2410d. Defense contractors: listing of suitable employment openings with local employment service office

"(a) REGULATIONS.—The Secretary of Defense shall promulgate regulations containing the requirement described in subsection (b) and such other provisions as the Secretary considers necessary to administer such requirement. Such regulations shall require that each contract described in subsection (c) shall contain a clause requiring the contractor to comply with such regulations.

"(b) REQUIREMENT.—The regulations promulgated under this section shall require each contractor carrying out a contract described in subsection (c) to list immediately with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its suitable employment openings under such contract.

"(c) COVERED CONTRACTS.—The regulations promulgated under this section shall apply to any contract entered into with the Department of Defense in an amount of $500,000 or more.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410c, as added by section 4303(b), the following new item:

"2410d. Defense contractors: listing of suitable employment openings with local employment service office.".

(b) EFFECTIVE DATE.—Section 2410d of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into beginning 120 days after the date of the enactment of this Act.

SEC. 4471. NOTICE REQUIREMENTS UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN DEFENSE PROGRAMS.

(a) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Not later than 30 days after the date on which the President submits to the Congress the annual budget of the President pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such budget; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(b) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER DATE OF ENACTMENT OF AN ACT MAKING APPROPRIATIONS FOR DEFENSE.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such Act; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(c) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice under subsection (a) or (b), as the case may be, of the termination of, or substantial reduction in, a defense program, the contractor shall provide notice of such termination or substantial reduction to—

(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

(B) if there is no such representative at that time, each such employee; and

(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

(d) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a defense program provided under subsection (c)(1) to an employee of a defense contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act (as added by section 4465(a)), as the case may be, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

(e) WITHDRAWAL OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall provide notice of withdrawal of the notification provided under subsection (a)(2) to each defense contractor—

(A) that received notice under such subsection; and

(B) with respect to which the Secretary determines will not be adversely affected by the termination of, or substantial reduction in, the defense program referred to in such subsection due to a sufficient level of funding for the program provided in such Act.

(2) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice of withdrawal of notification under paragraph (1), the contractor shall provide notice of such withdrawal to—

(A)(i) each representative of employees whose work is directly related to the defense contract under the defense program and who are employed by the defense contractor; or

(ii) if there is no such representative at that time, each such employee;

(B) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

(C) each grantee under section 325(a) of the Job Training Partnership Act, or section 325A(a) of such Act, as the case may be, providing training, adjustment assistance, and employment services to each employee described in this paragraph.

(3) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act, as the case may be, beginning on the date the employee receives such notice.

(f) DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term "defense contractor" means a private person producing goods or services pursuant to—

(1) a contract with the Department of Defense in an amount not less than $500,000; or

(2) a subcontract in an amount not less than $500,000 entered into under a contract with the Department of Defense.

SEC. 4472. STUDY TO DETERMINE THE DISLOCATION EFFECTS OF CURRENT AND FUTURE REDUCTIONS IN SPENDING FOR THE NATIONAL DEFENSE.

(a) STUDY.—The Secretary of Defense and the Secretary of Labor shall jointly conduct a study to determine the dislocation effects that are projected to occur as a result of current and future reductions in spending for the national defense. The responsibilities of the Secretary of Defense under this section shall be carried out by the Defense Economic Adjustment Center established within the National Defense University under section 2504(a) of title 10, United States Code.

(b) CONDUCT OF STUDY.—In carrying out the study under subsection (a), the Secretaries shall—

(1) consider the reemployment potential of workers losing jobs as a result of reduced defense spending, including the probability that such workers will be absorbed into other comparable jobs in the Federal Government or other comparable jobs in the geographic locality of such workers;

(2) include projections for—

(A) dislocation in the private sector defense industry, dislocation of active duty military, and dislocation of civilians working for the Department of Defense; and

(B) secondary dislocation in communities that are substantially and seriously affected (as defined in section 4003(5)(A) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Public Law 101-510; 104 Stat. 1848; 10 U.S.C. 2391 note)) where job loss occurs as a consequence of the closing or reduction in force of military facilities, or the cancellation or reduction in defense contracts in such community;

(3) include information on the regional impact of reduced defense spending as it applies to worker dislocation;

(4) include a comparison of the characteristics of the workforce population being dislocated as a consequence of reduced defense spending to the characteristics of the general dislocated workforce population in the United States, including characteristics relating to education status, income level, and occupation;

(5) include projections on how dislocations occurring as a consequence of reduced defense spending will impact on other Federal programs that serve dislocated workers (particularly programs in which funding is based on unemployment statistics), including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(6) include a comparison of the average length of advance notice received by workers being dislocated as a consequence of reduced defense spending to the average length of advance notice received by workers being dislocated for other reasons.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretaries shall jointly submit to the Congress a report containing—

(1) the findings and conclusions of the Secretaries resulting from the study under subsection (a); and

(2) recommendations for assistance to dislocated workers based on the findings and conclusions referred to in paragraph (1).

SEC. 4473. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT REPEAL.—

(1) IN GENERAL.—If a transfer is made in accordance with section 4501(c) of the full amount of an amount described in subparagraph (A) or (B) of paragraph (2), then the section referred to in that subparagraph (including the amendments made by the section) is repealed, effective as of the date of the enactment of this Act, and the provisions of any Act amended by such section shall apply as if the amendments had not been enacted.

(2) AMOUNTS DESCRIBED.—(A) The amount described in this subparagraph is the amount provided under subsection (c) of section 4465 for the amendments to the Job Training Partnership Act under such section.

(B) The amount described in this subparagraph is the amount provided under subsection (c) of section 4468 for the program under such section.

(b) PUBLICATION IN THE FEDERAL REGISTER.—If a transfer described in subsection (a)(1) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

Subtitle G—Service Members Occupational Conversion and Training

SEC. 4481. SHORT TITLE.

This subtitle may be cited as the "Service Members Occupational Conversion and Training Act of 1992".

SEC. 4482. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the men and women serving in our Nation's Armed Forces are of the highest caliber—intelligent, dedicated, and disciplined—and hundreds of thousands of these service members will be separating from the Armed Forces due to the drawdown in military personnel;

(2) these men and women will be entering the civilian workforce during a time of economic instability and uncertainty;

(3) many of these service personnel specialized in critical skills such as combat arms which will not transfer to the civilian workforce;

(4) as part of the Nation's obligation to these service members, the Secretary of Defense has a unique responsibility and obligation to provide them with the tools they need to be reassimilated into the civilian community and continue to be outstanding, productive citizens;

(5) the rapid placement of separated military personnel in civilian employment and training opportunities will significantly reduce the Department of Defense's costs relative to unemployment compensation for ex-service members;

(6) military personnel are a national resource whose skills and abilities must be absorbed by and integrated into the civilian workforce; and

(7) providing such training will reduce the total cost of the drawdown and is important to the national defense function of the Department of Defense.

(b) PURPOSE.—The purpose of this subtitle is to provide additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces and to provide additional forms of assistance to members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

SEC. 4483. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "Secretary" means the Secretary of Defense.

(2) The terms "veteran", "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

SEC. 4484. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall carry out a program in accordance with this subtitle to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. The Secretary may enter into an agreement with the Secretary of Veterans Affairs, the Secretary of Labor, or both, for the implementation of the program. The program shall be carried out through payments to employers who employ and train eligible persons in such positions. Such payments shall be made to assist such employers in defraying the costs of necessary training.

(b) STATE AGENCIES.—(1) The implementing official may enter into contracts or agreements with State approving agencies, as designated pursuant to section 3671(a) of title 38, United States Code, or other State agencies to carry out any duty of the implementing official under this subtitle. Payment may be made to such agencies pursuant to any such contract or agreement for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out such duties. Each such payment may be made only from funds available to the implementing official pursuant to section 4495(a)(3).

(2) Each State approving agency or other State agency with which a contract or agreement is entered into under this section shall submit to the implementing official on a monthly or quarterly basis, as determined by the agency, a report containing a certification of such expenses for the period covered by the report. The report shall be submitted in the form and manner required by such official.

(c) EXPEDITIOUS IMPLEMENTATION.—A requirement in this subtitle to issue regulations shall not be the basis for a delay in carrying out this program within the time limit established by subsection (a).

SEC. 4485. ELIGIBILITY FOR PROGRAM; PERIOD OF TRAINING.

(a) IN GENERAL.—(1) To be eligible for participation in a program of job training under this subtitle, an eligible person must be an eligible person described in paragraph (2) who—

(A)(i) is unemployed at the time of applying for participation in a program under this subtitle; and

(ii) has been unemployed for at least 8 of the 15 weeks immediately preceding the date of such eligible person's application for participation in a program under this subtitle;

(B) separates from the active military, naval, or air service and whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian workforce; or

(C) served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more.

(2) For purposes of paragraph (1), an eligible person referred to in paragraph (1) is a veteran who—

(A) was discharged on or after August 2, 1990; and

(B)(i) served in the active military, naval, or air service for a period of more than 90 days; or

(ii) was discharged or released from active duty because of a service-connected disability.

(3) For purposes of paragraph (1), an eligible person shall be considered to be unemployed during any period such person is without a job and wants and is available for work. In determining whether a person is unemployed for purposes of paragraph (1), the implementing official shall not take into consideration part-time or temporary employment, as defined by such official.

(b) APPLICATION PROCESS.—(1) An eligible person who desires to participate in a program of job training under this subtitle shall submit to the implementing official an application for participation in such a program. Such an application—

(A) shall include a certification by the eligible person that the eligible person meets the criteria for eligibility prescribed by subparagraph (A), (B), or (C) of subsection (a)(1);

(B) shall include an opportunity for the eligible person to request counseling under section 4493(a); and

(C) shall be in such form and contain such additional information as such official may prescribe.

(2)(A) Subject to subparagraph (B), an application by an eligible person for participation in a program of job training under this subtitle shall be approved unless the implementing official finds that the eligible person is not eligible to participate in a program of job training under this subtitle.

(B) Approval of an application of an eligible person under this subtitle may be withheld if the implementing official determines that, because of limited funds available for the purpose of making payments to employers under this subtitle, it is necessary to limit the number of participants in the program carried out under this subtitle.

(3)(A) Subject to section 4491(c), the implementing official shall certify as eligible for participation under this subtitle an eligible person whose application is approved under this subsection and shall furnish the eligible person with a certificate of that eligible person's eligibility for presentation to an employer offering a program of job training under this subtitle. Any such certificate shall expire 180 days after it is furnished to the eligible person. The date on

which a certificate is furnished to an eligible person under this paragraph shall be stated on the certificate.

(B) A certificate furnished under this paragraph may, upon the eligible person's application, be renewed in accordance with the terms and conditions of subparagraph (A).

(c) APPEAL OF DENIAL OF CERTIFICATE.—The implementing official shall permit each eligible person who is not issued a certificate of eligibility under subsection (b) (other than an eligible person who is not issued such a certificate by reason of subsection (b)(2)(B)) to challenge in a hearing before the implementing official the decision of the implementing official not to issue the certificate. The implementing official shall prescribe procedures with respect to the initiation and conduct of hearings under this subsection.

(d) PERIOD OF TRAINING.—An employer shall provide a period of training under a program of job training under this subtitle of not less than 6 months or more than 18 months in a field of employment providing a reasonable probability of stable, long-term employment.

SEC. 4486. APPROVAL OF EMPLOYER PROGRAMS.

(a) IN GENERAL.—(1) An employer may be paid assistance under section 4487(a) on behalf of an eligible person employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section.

(2) Except as provided in subsection (b), a proposed program of job training of an employer shall be approved unless the implementing official determines that the application does not contain a certification and other information meeting the requirements established under this subtitle or that withholding of approval is warranted under subsection (g).

(b) INELIGIBLE PROGRAMS.—A program of job training—

(1) for employment which consists of seasonal, intermittent, or temporary jobs;

(2) for employment under which commissions are the primary source of income;

(3) for employment which involves political or religious activities;

(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) for employment outside of a State,

may not be approved under this subtitle.

(c) APPLICATION.—An employer offering a program of job training that the employer desires to have approved for the purposes of this subtitle shall submit to the implementing official a written application for such approval. Such application shall be in such form as such official shall prescribe.

(d) CERTIFICATION.—An application under subsection (c) shall include a certification by the employer of the following:

(1) That the employer is planning that, upon an eligible person's completion of the program of job training, the employer will employ the eligible person in a position for which the eligible person has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the eligible person at the end of the training period.

(2) That the wages and benefits to be paid to an eligible person participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in the same or a comparable program of job training.

(3) That the employment of an eligible person under the program—

(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring an eligible person in such job under this subtitle.

(4) That the employer will not employ in the program of job training an eligible person who is already qualified by training and experience for the job for which training is to be provided.

(5) That the job which is the objective of the training program is one that involves significant training.

(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

(7) That each participating eligible person will be employed full time in the program of job training.

(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as are needed to accomplish the training objective certified under subsection (e)(2).

(10) That the employer will keep records adequate to show the progress made by each eligible person participating in the program and otherwise to demonstrate compliance with the requirements established under this subtitle.

(11) That the employer will furnish each participating eligible person, before the eligible person's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the eligible person's signed acknowledgment of having received such certification.

(12) That, as applicable, the employer will provide each participating eligible person with the full opportunity to participate in a personal interview pursuant to section 4493(b)(1)(B) during the eligible person's normal workday.

(13) That the program meets such other criteria as the Secretary, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, may determine are essential for the effective implementation of the program established by this subtitle.

(e) HOURS AND TRAINING CONTENT.—A certification under subsection (d) shall include—

(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered an eligible person, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4489) and of the objective of the training.

(f) STATUS OF CERTIFIED MATTERS.—(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this subtitle.

(2)(A) For the purposes of section 4487(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

(B) For the purposes of section 4490, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

(g) WITHHOLDING APPROVAL; DISAPPROVAL.—In accordance with regulations which the Secretary shall prescribe, the implementing official may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4491 and, based on the outcome of such an investigation, may disapprove such program.

(h) ON-JOB TRAINING.—For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this subtitle (other than subsection (b) and (d)(3)) for approval of a program of job training.

SEC. 4487. PAYMENTS TO EMPLOYERS; OVERPAYMENT.

(a) PAYMENTS.—(1)(A) Except as provided in subsections (b) and (c) and subject to section 4485(d), the implementing official shall make payments to employers in accordance with this section. The amount payable to such an employer on behalf of an eligible person with respect to an approved program of job training under this subtitle shall be determined by such official at the beginning of such program. Except as provided in subparagraph (B), that amount shall be equal to 50 percent of the product of (i) the starting hourly rate of wages paid to the eligible person by the employer (without regard to overtime or premium pay), and (ii) the number of hours to be worked by the eligible person during the entire program period.

(B) In no case may the amount determined under subparagraph (A) exceed—

(i) $12,000 for an eligible person with a service-connected disability rated at 30 percent or more; or

(ii) $10,000 for an eligible person not described in clause (i).

(b) PAYMENT PERIOD.—(1) Except as provided in paragraphs (2) and (3), the implementing official shall pay training assistance to employers under this section on a quarterly basis.

(2) The implementing official may pay training assistance to an employer on a monthly basis if the implementing official determines (pursuant to regulations prescribed by the implementing official) that the number of employees of the employer is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

(3) The implementing official shall withhold 25 percent of each payment due under this subsection with respect to an eligible person. The total amount withheld with respect to an eligible person under this paragraph shall be paid to the employer at the end of the four month period of employment of such person under this subtitle beginning on the date of completion of training.

(c) TOOLS AND OTHER WORK-RELATED MATERIALS.—In addition to payments under subsection (a), the implementing official shall reimburse the employer for the cost of tools and other work-related materials necessary for the eligible person's participation in the program of job training in an amount up to $500 if the employer presents to the implementing official a certification signed by the employer and eligible person that—

(1) tools and other work-related materials are necessary for the eligible person's participation in the job training program,

(2) the eligible person bought the tools and other work-related materials, and

(3) the employer paid the eligible person for the cost of the tools and other work-related materials.

(d) OVERPAYMENTS.—(1)(A) Whenever the implementing official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result

of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

(B) Whenever such official finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this subtitle (unless the employer's failure is the result of false or incomplete information provided by the eligible person), each amount paid to the employer on behalf of an eligible person for that period shall be considered to be an overpayment under this subtitle, and the amount of such overpayment shall constitute a liability of the employer to the United States.

(2) Whenever such official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification by the eligible person, or as a result of information provided to an employer or contained in an application submitted by the eligible person, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the eligible person to the United States.

(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this subtitle. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

(e) LIMITATIONS.—(1) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person until the implementing official has received—

(A) from the eligible person, a certification that the eligible person was employed full time by the employer in a program of job training during such period; and

(B) from the employer, a certification—

(i) that the eligible person was employed by the employer during that period and that the eligible person's performance and progress during such period were satisfactory; and

(ii) of the number of hours worked by the eligible person during that period.

With respect to the first such certification by an employer with respect to an eligible person, the certification shall indicate the date on which the employment of the eligible person began and the starting hourly rate of wages paid to the eligible person (without regard to overtime or premium pay).

(2) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person for which a request for payment is made after two years after the date on which that period of training ends.

SEC. 4488. ENTRY INTO PROGRAM OF JOB TRAINING.

(a) IN GENERAL.—Notwithstanding any other provision of this subtitle, the implementing official shall withhold or deny approval of an eligible person's entry into an approved program of job training if such official determines that funds are not available to make payments under this subtitle on behalf of the eligible person to the employer offering that program. Before the entry of an eligible person into an approved program of job training of an employer for purposes of assistance under this subtitle, the employer shall notify such official of the employer's intention to employ that eligible person. The eligible person may begin such program of job training with the employer two weeks after the notice is transmitted, by means prescribed by such official, to such official unless within that time the employer has received notice from such official that approval of the eligible person's entry into that program of job training must be withheld or denied in accordance with this section.

(b) PERIOD FOR COMMENCEMENT OF PARTICIPATION UNDER CERTIFICATE.—An eligible person who is issued a certificate of eligibility for participation in a program of job training under this subtitle shall commence participation in such a program not more than 180 days after the date of the issuance of the certificate. The date on which a certificate is furnished to an eligible person shall be stated on the certificate.

SEC. 4489. PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.

An employer may enter into an agreement with an educational institution that has been approved for the purposes of chapter 106 of title 10, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this subtitle. When such an agreement has been entered into, the application of the employer under section 4486 shall so state and shall include a description of the training to be provided under the agreement.

SEC. 4490. DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS.

(a) FAILURE TO MEET REQUIREMENTS.—If the implementing official finds at any time that a program of job training previously approved for the purposes of this subtitle thereafter fails to meet any of the requirements established under this subtitle, such official may immediately disapprove further participation by eligible persons in that program. Such official shall provide to the employer concerned, and to each eligible person participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such eligible person shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

(b) RATE OF COMPLETION.—(1) If the implementing official determines that the rate of eligible persons' successful completion of an employer's programs of job training previously approved for the purposes of this subtitle is disproportionately low because of deficiencies in the quality of such programs, such official shall disapprove participation in such programs on the part of eligible persons who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, such official shall take into account appropriate data, including—

(A) the quarterly data provided by the Secretary of Labor with respect to the number of eligible persons who receive counseling in connection with training under this subtitle, are referred to employers under this subtitle, participate in job training under this subtitle, and complete such training or do not complete such training, and the reasons for noncompletion; and

(B) data compiled through the particular employer's compliance surveys.

(2) With respect to a disapproval under paragraph (1), the implementing official shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

(3) A disapproval under paragraph (1) shall remain in effect until such time as the implementing official determines that adequate remedial action has been taken.

SEC. 4491. INSPECTION OF RECORDS; INVESTIGATIONS.

(a) RECORDS.—The records and accounts of employers pertaining to eligible persons on behalf of whom assistance has been paid under this subtitle, as well as other records that the implementing official determines to be necessary to ascertain compliance with the requirements established under this subtitle, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

(b) COMPLIANCE MONITORING.—Such official may monitor employers and eligible persons participating in programs of job training under this subtitle to determine compliance with the requirements established under this subtitle.

(c) INVESTIGATIONS.—Such official may investigate any matter such official considers necessary to determine compliance with the requirements established under this subtitle. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this subtitle, or where any of the records of the employer offering or providing such program are kept.

(d) DEPARTMENT OF LABOR.—Functions may be administered under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections.

SEC. 4492. COORDINATION WITH OTHER PROGRAMS.

(a) VETERANS EDUCATION PROGRAMS.—(1) Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period of time described in paragraph (2) and to such eligible person under chapter 30, 31, 32, 35, or 36 of title 38, United States Code, or chapter 106 of title 10, United States Code, for the same period of time.

(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the eligible person enters into an approved program of job training of an employer for purposes of assistance under this subtitle and ending on the last date for which such assistance is payable.

(b) OTHER TRAINING AND EMPLOYMENT.—Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period if the employer receives for that period any other form of assistance on account of the training or employment of the eligible person, including assistance under the Job Training Partnership Act or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

(c) PREVIOUS COMPLETION OF PROGRAM.— Assistance may not be paid under this subtitle on behalf of an eligible person who has completed a program of job training under this subtitle.

(d) PROMOTION.—(1) In carrying out section 3116(b) of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for eligible persons who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this subtitle.

(2) The Secretary of Veterans Affairs, in cooperation with the implementing official (unless the Secretary of Veterans Affairs is the implementing official), shall take all feasible steps to ensure that, in the cases of eligible persons who are eligible to have payments made on their be-

half under both this subtitle and section 3116(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the eligible person's best interests, to make payments to employers on behalf of such eligible persons.

SEC. 4493. COUNSELING.

(a) IN GENERAL.—The implementing official shall, upon request, provide, by contract or otherwise, employment counseling services to any eligible person eligible to participate under this subtitle in order to assist such eligible person in selecting a suitable program of job training under this subtitle.

(b) CASE MANAGER.—(1) The implementing official shall provide for a program under which—

(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each eligible person participating in a program of job training under this subtitle;

(B) the eligible person has an in-person interview with the case manager not later than 60 days after entering into a program of training under this subtitle; and

(C) periodic (not less frequent than monthly) contact is maintained with each such eligible person for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the eligible person to appropriate counseling, if necessary, (iii) facilitating the eligible person's successful completion of such program, and (iv) following up with the employer and the eligible person in order to determine the eligible person's progress in the program and the outcome regarding the eligible person's participation in and successful completion of the program.

(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

(A) for an eligible person if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the implementing official determines that there is no need for a case manager for such eligible person; or

(B) in the case of the employees of an employer, if the implementing official determines that—

(i) the employer has an appropriate and effective employee assistance program that is available to all eligible persons participating in the employer's programs of job training under this subtitle; or

(ii) the rate of eligible persons' successful completion of the employer's programs of job training under this subtitle, either cumulatively or during the previous program year, is 60 percent or higher.

(3) The implementing official shall provide, to the extent feasible, a program of counseling or other services designed to resolve difficulties that may be encountered by eligible persons during their training under this subtitle. Such counseling or other services shall be similar to the counseling and other services provided under sections 1712A, 3697A, 4103A, 4104, 7723, and 7724 of title 38, United States Code, and section 1144 of title 10, United States Code.

(c) CASE MANAGER REQUIRED.—Before an eligible person who voluntarily terminates from a program of job training under this subtitle or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this subtitle, such eligible person must be provided by the Secretary of Labor, after consultation with the implementing official, with a case manager.

SEC. 4494. INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES.

(a) IN GENERAL.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly provide for an outreach and public information program—

(A) to inform eligible persons about the employment and job training opportunities available under this subtitle and under other provisions of law; and

(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this subtitle.

(2) The Secretary, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall promote the development of employment and job training opportunities for eligible persons by encouraging potential employers to make programs of job training under this subtitle available for eligible persons, by advising other appropriate Federal departments and agencies of the program established by this subtitle, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to eligible persons.

(b) COORDINATION.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

(c) AGENCY RESOURCES.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this subtitle.

(2) In carrying out the responsibilities of the Secretary of Labor under this subtitle, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices, appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. To the extent that the implementing official withholds approval of eligible persons' applications under this subtitle pursuant to section 4485(b)(2)(B), the Secretary of Labor shall take steps to assist such eligible persons in taking advantage of opportunities that may be available to them under any other program carried out with funds provided by the Secretary of Labor.

(d) SMALL BUSINESS.—The implementing official shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for eligible persons.

(e) ASSISTANCE TO PARTICIPATE.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall assist eligible persons and employers desiring to participate under this subtitle in making application and completing necessary certifications.

(f) COLLECTION OF CERTAIN INFORMATION.—The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of eligible persons who receive counseling services pursuant to section 4493, who are referred to employers participating under this subtitle, who participate in programs of job training under this subtitle (including a description of the nature of the training and salaries that are part of such programs), and who complete such programs, and the reasons for eligible persons' noncompletion.

SEC. 4495. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be made available for the purpose of making payments to employers under this subtitle. The Secretary of Veterans Affairs and the Secretary of Labor shall submit an estimate to the Secretary of the amount needed to carry out any agreement entered into under section 4484(a), including administrative costs referred to in paragraph (3). Such agreements shall include administrative procedures to ensure the prompt and timely payments to employers by the implementing official.

(2) Amounts made available pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

(3) Of the amounts made available pursuant to this section for a fiscal year, six percent of such amounts may be used for the purpose of administering this subtitle, including reimbursing expenses incurred.

(b) AVAILABILITY OF DEOBLIGATED FUNDS.—Notwithstanding any other provision of law, any funds made available pursuant to this section for a fiscal year which are obligated for the purpose of making payments under section 4487 on behalf of an eligible person (including funds so obligated which previously had been obligated for such purpose on behalf of another eligible person and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the implementing official for obligation for such purpose. The further obligation of such funds by such official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

SEC. 4496. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Assistance may not be paid to an employer under this subtitle—

(1) on behalf of an eligible person who initially applies for a program of job training under this subtitle after September 30, 1995; or

(2) for any such program which begins after March 31, 1996.

SEC. 4497. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT AMENDMENT.—If a transfer is made in accordance with section 4501(c) of the full amount of the amount provided under section 4495(a) for the program established under section 4484(a), then, effective as of the date of the enactment of this Act, the first sentence of section 4484(a) is amended by striking "the Secretary shall carry out" and inserting "the Secretary may carry out".

(b) PUBLICATION IN THE FEDERAL REGISTER.—If the transfer described in subsection (a) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

SEC. 4501. BUDGET DETERMINATION BY THE DIRECTOR OF OMB.

(a) REQUIREMENT FOR DETERMINATION.—An amount made available under this Act for a program described in subsection (b) may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of

part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the programs under title XLIII, and subtitles D through G of title XLIV.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 for each of the programs described in subsection (b). If the Director determines that any such amount shall not classify against the defense category, then the President shall submit to Congress a report listing all such amounts that the Director has determined will not classify against the defense category (as described in subsection (a)). Such report shall contain an explanation for each such determination.

(2) All amounts listed in the report under paragraph (1) may be transferred only to the programs under titles XLII, XLIII, and XLIV that are classified against the defense category by virtue of the report of the President submitted under paragraph (1) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LES ASPIN,
CHARLES E. BENNETT,
G.V. MONTGOMERY,
PAT SCHROEDER,
BEV BYRON,
NICHOLAS MAVROULES,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
THOMAS M. FOGLIETTA,
DENNIS M. HERTEL,
MARILYN LLOYD,
NORMAN SISISKY,
RICHARD RAY,
JOHN M. SPRATT, Jr.,
SOLOMON P. ORTIZ,
GEORGE (BUDDY) DARDEN,
OWEN PICKETT,
MARTIN H. LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
MICHAEL R. MCNULTY,
GLEN BROWDER,
WM. L. DICKINSON,
FLOYD SPENCE,
LARRY J. HOPKINS,
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
BOB DAVIS,
DUNCAN HUNTER,
(except for Secs. 232 and 234 related to SDI),
DAVID O'B MARTIN,
JOHN R. KASICH,
HERBERT H. BATEMAN,
BEN BLAZ,
ANDY IRELAND,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
ROBERT K. DORNAN of California,
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

BARBARA B. KENNELLY,
DAN GLICKMAN,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

THOMAS CARPER,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
BRUCE F. VENTO,
PAUL E. KANJORSKI,
THOMAS RIDGE,
BILL PAXON,
MEL HANCOCK,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

WILLIAM FORD of Michigan,
PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
PHIL SHARP,
CARDISS COLLINS of Illinois,
DENNIS E. ECKART,
NORMAN F. LENT,
DON RITTER,
CARLOS J. MOORHEAD,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and sections 824 and 838 of the Senate amendment:

ALEX J. MCMILLAN of North Carolina

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
ROBERT J. LAGOMARSINO,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

SAM GEJDENSON,
ROBERT TORRICELLI,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 814, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
EDOLPHUS TOWNS,
RAY THORNTON,
COLLIN C. PETERSON,
FRANK HORTON,
BILL CLINGER,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
DON EDWARDS of California,
JOHN CONYERS, Jr.,
HENRY J. HYDE,
HOWARD COBLE,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HOWARD L. BERMAN,
BILL MCCOLLUM,
LAMAR SMITH of Texas,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
CHARLES E. SCHUMER,
WILLIAM J. HUGHES,
F. JAMES SENSENBRENNER, Jr.,
STEVEN SCHIFF,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
CARROLL HUBBARD,
WILLIAM F. HUGHES,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
DON YOUNG of Alaska,
JACK FIELDS,
NORMAN F. LENT,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
MARY ROSE OAKAR,
GERRY SIKORSKI,
GARY ACKERMAN,
PAUL E. KANJORSKI,

BENJAMIN A. GILMAN,
FRANK HORTON,
JOHN T. MYERS of Indiana,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
NORMAN Y. MINETA,
HENRY J. NOWAK,
JOE KOLTER,
JIMMY HAYES of Louisiana,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed.

HELEN DELICH BENTLEY,
TOM PETRI,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
NORMAN Y. MINETA,
JOAN KELLY HORN,
JIM BACCHUS,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

TIMOTHY J. PENNY,
DOUGLAS APPLEGATE,
CHRISTOPHER H. SMITH of New Jersey,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
THOMAS J. DOWNEY,
DONALD J. PEASE,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
AL GORE,
TIMOTHY WIRTH,
RICHARD SHELBY,
ROBERT BYRD,
JOHN WARNER,
STROM THURMOND,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
CONNIE MACK,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $274.3 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1993 and, in addition, summarizes the implication of the action for the budget totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993

[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: Amended Request	House	Senate	Conference vs. Request	Conference
Aircraft Procurement, Army	1,291.259	1,501.259	1,328.909	1,553.909	1,291.259	1,501.259	1,328.909	262.650	1,553.909
Missile Procurement, Army	982.298	1,083.110	1,037.893	1,118.652	982.298	1,083.110	1,037.893	136.354	1,118.652
Weapons & Tracked Combat Vehicles	623.441	736.641	839.841	877.754	623.441	736.641	839.841	254.313	877.754
Procurement of Ammunition, Army	823.600	940.007	764.280	829.444	823.600	940.007	764.280	5.844	829.444
Other Procurement, Army	3,093.508	3,157.893	3,032.220	3,129.452	3,093.508	3,157.893	3,032.220	35.944	3,129.452
Aircraft Procurement, Navy	6,653.679	6,352.167	5,950.477	5,899.395	6,653.679	6,352.167	5,950.477	-754.284	5,899.395
Weapons Procurement, Navy	3,718.950	3,728.950	3,538.948	3,700.098	3,718.950	3,728.950	3,538.948	-18.852	3,700.098
Shipbuilding & Conversion, Navy	5,319.472	6,590.872	5,526.463	5,958.663	3,444.372	6,590.872	5,526.463	639.191	4,083.563
Other Procurement, Navy	5,868.813	5,758.876	5,722.283	5,660.684	5,868.813	5,758.876	5,722.283	-208.129	5,660.684
Procurement, Marine Corps	588.546	931.246	690.127	729.727	588.546	931.246	690.127	141.181	729.727
Aircraft Procurement, Air Force	10,928.701	10,144.817	9,274.999	10,034.314	10,928.701	10,144.817	9,274.999	-894.387	10,034.314
Missile Procurement, Air Force	5,378.708	4,937.540	4,125.590	4,399.390	5,378.708	4,937.540	4,125.590	-979.318	4,399.390
Other Procurement, Air Force	8,346.588	8,132.500	8,100.970	7,894.396	8,346.588	8,132.500	8,100.970	-452.192	7,894.396
Procurement, Defense Agencies	2,146.935	1,748.634	2,538.963	1,950.704	2,146.935	1,748.634	2,538.963	-196.231	1,950.704
National Guard & Reserve Equipment		635.800	872.100	695.600		635.800	872.100	695.600	695.600
Defense Production Act Purchases									
Chemical Agents & Munitions Destruction	526.400	526.400	517.300	515.300	526.400	526.400	517.300	-11.100	515.300
Inspector General Procurement	0.800	0.800	0.500	0.800					
Total Procurement	56,291.698	56,907.512	53,861.863	54,948.282	54,415.798	56,906.712	53,861.363	-1,343.416	53,072.382
R,D,T& E Army	5,414.477	5,481.133	5,307.744	5,919.048	5,414.477	5,481.133	5,307.744	504.571	5,919.048
R,D,T& E Navy	8,517.778	8,802.296	8,921.805	8,984.717	8,517.778	8,802.296	8,921.805	466.939	8,984.717
R,D,T& E Air Force	14,532.375	14,242.087	14,070.731	14,231.700	14,532.375	14,242.087	14,070.731	-300.675	14,231.700
R,D,T& E Defense Agencies	10,053.381	9,629.643	10,390.969	10,203.425	10,053.381	9,629.643	10,390.969	150.044	10,203.425
Developmental Test & Evaluation	281.707	261.707	261.707	261.707	281.707	261.707	261.707	-20.000	261.707
Operational Test & Evaluation	12.983	12.983	12.983	12.983	12.983	12.983	12.983		12.983
Total Research & Development	38,812.701	38,429.849	38,965.939	39,613.580	38,812.701	38,429.849	38,965.939	800.879	39,613.580

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: Amended Request	House	Senate	Conference vs. Request	Conference
O&M, Army	15,419.100	13,581.406	14,193.215	13,901.912	16,905.100	15,067.406	16,422.215	-674.188	16,230.912
O&M, Navy	20,728.600	18,271.494	20,371.281	19,532.996	20,588.500	18,131.394	20,262.681	-1,064.104	19,524.396
O&M, Marine Corps	1,607.500	1,557.300	1,453.515	1,558.515	1,646.500	1,596.300	1,512.015	-29.485	1,617.015
O&M, Air Force	17,581.000	15,437.134	16,876.477	16,592.857	18,029.000	15,885.134	17,548.477	-664.143	17,364.857
O&M, Defense Agencies	9,033.000	9,563.094	8,384.605	9,266.879	9,033.000	9,563.094	8,996.605	333.879	9,366.879
Office Of The Inspector General	125.200	218.900	125.500	125.200	126.000	219.700	126.300		126.000
O&M, Army Reserve	990.300	991.219	1,033.773	1,014.773	990.300	991.219	1,033.773	24.473	1,014.773
O&M, Navy Reserve	852.700	852.700	878.792	865.492	852.700	852.700	878.792	12.792	865.492
O&M, Marine Corps Reserve	74.700	75.950	74.821	75.171	74.700	75.950	74.821	0.471	75.171
O&M, Air Force Reserve	1,215.723	1,214.823	1,213.887	1,214.287	1,215.723	1,214.823	1,213.887	-1.436	1,214.287
O&M, Army National Guard	2,134.100	2,216.700	2,251.213	2,238.013	2,134.100	2,216.700	2,251.213	103.913	2,238.013
O&M, Air National Guard	2,552.624	2,551.924	2,512.475	2,513.175	2,552.624	2,551.924	2,512.475	-39.449	2,513.175
Rifle Practice, Army	2.700	2.700	2.700	2.700	2.700	2.700	2.700		2.700
Court Of Military Appeals, Defense	5.900	5.900	5.893	5.893	5.900	5.900	5.893	-0.007	5.893
Drug Interdiction	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400		1,263.400
Summer Olympics		2.000	2.000	2.000		2.000	2.000	2.000	2.000
World University Games		6.000	6.000	6.000		6.000	6.000	6.000	6.000
World Cup Games			9.000	9.000			9.000	9.000	9.000
Defense Health Program	9,507.457	9,089.424	9,507.072	9,159.039	9,507.457	9,089.424	9,507.072	-348.418	9,159.039
Environmental Restoration, Defense	901.200	901.200	1,513.200	1,513.200	1,513.200	1,513.200	1,513.200		1,513.200
Humanitarian Assistance	13.000	13.000	25.000	25.000	13.000	13.000	25.000	12.000	25.000
Restoration Of The Rocky Mt. Arsenal					17.000	17.000	22.000		17.000
Total Operation & Maintenance	84,008.204	77,816.268	81,703.819	80,885.502	86,470.904	80,278.968	85,189.519	-2,316.702	84,154.202
National Defense Stockpile Transaction Fund			-150.000	-150.000			-150.000	-150.000	-150.000
Defense Business Operations Fund	1,123.800	16.600	1,123.800	1,145.000	-912.200	-2,019.400	-1,930.200	-996.800	-1,909.000
Pentagon Reservation Maintenance									
Total Revolving/Management Funds	1,123.800	16.600	973.800	995.000	-912.200	-2,019.400	-2,080.200	-1,146.800	-2,059.000
National Defense Sealift Fund	1,201.400			613.200	3,076.500			-588.200	2,488.300
Total Military Personnel			77,316.200	76,311.000	77,080.200	77,293.200	77,316.200	-769.200	76,311.000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: Amended Request	House	Senate	Conference vs. Request	Conference
Military Construction, Army	995.548	1,015.818	512.450	470.660	1,009.548	1,029.818	526.450	-524.888	484.660
Military Construction, Navy	838.848	853.425	354.109	403.849	838.848	853.425	354.109	-434.999	403.849
Military Construction, Air Force	1,118.844	1,048.594	773.530	850.980	1,118.844	1,048.594	773.530	-267.864	850.980
Milt. Construction, Defense Agencies	483.468	521.618	284.196	354.446	479.888	518.038	280.616	-129.022	350.866
NATO Infrastructure	221.200	121.200	221.200	60.000	221.200	121.200	221.200	-161.200	60.000
Milt. Construction, Army National Guard	46.700	199.411	142.627	208.672	46.700	199.411	142.627	161.972	208.672
Milt. Construction, Air National Guard	173.270	261.259	229.679	305.759	173.270	261.259	229.679	132.489	305.759
Military Construction, Army Reserve	31.500	31.500	36.505	34.850	31.500	31.500	36.505	3.350	34.850
Military Construction, Naval Reserve	37.772	37.772	15.715	17.200	37.772	37.772	15.715	-20.572	17.200
Milt. Construction, Air Force Reserve	52.880	56.380	34.353	36.580	52.880	56.380	34.353	-16.300	36.580
Base Realignment & Closure Part I	440.700	440.700	440.700	440.700	440.700	440.700	440.700		440.700
Base Realignment & Closure Part II	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600		1,743.600
Prior Year Deauth/Authorization Cap			-64.008	-496.300			-64.008	-496.300	-496.300
Total Military Construction	6,184.330	6,331.277	4,724.656	4,430.996	6,194.750	6,341.697	4,735.076	-1,753.334	4,441.416
Family Housing, Army	1,556.117	1,586.917	1,576.517	1,523.737	1,555.990	1,586.790	1,576.390	-32.380	1,523.610
Family Housing, Navy	1,017.247	1,035.817	1,187.927	1,046.680	1,017.247	1,035.817	1,187.927	29.433	1,046.680
Family Housing, Air Force	1,264.398	1,270.242	1,290.898	1,211.727	1,264.398	1,270.242	1,290.898	-52.671	1,211.727
Family Housing, Defense Agencies	28.400	28.400	28.400	28.400	28.400	28.400	28.400		28.400
Homeowners Assistance Fund	133.000	133.000	133.000	133.000	138.000	138.000	138.000		138.000
Total Family Housing	3,999.162	4,054.376	4,216.742	3,943.544	4,004.035	4,059.249	4,221.615	-55.618	3,948.417
Conversion/Community Assistance /a		1,000.000	200.000			1,000.000	200.000		
Non-Proliferation		40.000				40.000			
Burdensharing		-3,500.000				-3,500.000			
Savings From Davis-Bacon Reform					-110.000	-110.000		110.000	
Trust Funds/Offsetting Receipts					-792.300	-792.300	-792.300		-792.300
Total DoD Military	191,621.295	181,095.882	261,963.019	261,741.104	268,240.388	257,927.975	261,617.212	-7,062.391	261,177.997

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: Amended Request	House	Senate	Conference vs. Request	Conference
Weapons Activities	4,622.089	4,548.749	4,415.089	4,502.249	4,622.089	4,548.749	4,415.089	-119.840	4,502.249
New Production Reactor	170.028	171.800	33.978	34.028	170.028	171.800	33.978	-136.000	34.028
Defense Environmental Restoration & Waste Man	4,805.492	4,663.009	4,852.772	4,831.547	4,805.492	4,663.009	4,852.772	26.055	4,831.547
Materials Production & Other Defense Programs	2,521.020	2,559.361	2,487.510	2,554.301	2,521.020	2,559.361	2,487.510	33.281	2,554.301
Defense Nuclear Facilities Safety Board	13.000	13.000	13.000	13.000	13.000	13.000	13.000		13.000
Total Atomic Energy Defense Activities	12,131.629	11,955.919	11,802.349	11,935.125	12,131.629	11,955.919	11,802.349	-196.504	11,935.125
Intelligence Community Staff					30.651	30.651		-30.651	
Community Management Staff							10.500	9.800	9.800
Community Management Account								77.100	77.100
National Security Education Trust Fund								30.000	30.000
Coast Guard					203.100	203.100	203.100		203.100
Ready Reserve Force					234.000	234.000	234.000		234.000
CIA Retirement					168.900	168.900	168.900		168.900
FEMA Civil Defense	142.565	132.565	152.565	142.565	293.461	283.461	303.461		293.461
Selective Service					28.616	28.616	28.616		28.616
FBI Special Program	80.000				80.000	80.000		-80.000	
Radiation Exposure Compensation					173.472	173.472	173.472		173.472
Total Other Defense	222.565	132.565	152.565	142.565	1,212.200	1,202.200	1,122.049	6.249	1,218.449
Total National Defense Function (Excluding Desert Shield/Storm)	203,975.489	193,184.366	273,917.933	273,818.794	281,584.217	271,086.094	274,541.610	-7,252.646	274,331.571
Title XII-Desert Storm Supplemental FY1993 New Authorizations			87.700	87.700			87.700	87.700	87.700

/a THE CONFERENCE AGREEMENT AUTHORIZES FUNDS FOR CONVERSION WITHIN THE SEPARATE TITLES OF THE BILL.

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

General limitation (sec. 4)

The Senate amendment contained a provision (sec. 4) that would limit the amount that could be appropriated pursuant to the authorizations contained in the Senate amendment.

The House bill contained no similar provision.

The House recedes with an amendment.

Comprehensive review of tactical aviation (secs. 214, 901, and 902)

Both the House bill and the Senate amendment identified the modernization of tactical aviation as one of the most important issues facing the Department of Defense. Operation Desert Shield/Desert Storm demonstrated the critical role that tactical aviation did play and will play in any future conventional conflict. The amended budget request for fiscal year 1993 contained investment proposals that would commit the Department to hundreds of billions of dollars over the next two decades. Both the House and the Senate found serious weaknesses in the Department's proposals.

The House bill

The House report (H. Rept. 102-527) concluded that there were two central problems with the Department's proposals—affordability and timing. The House pointed out that under the Department's plans, tactical aviation spending would reach nearly $10 billion annually, requiring resources that exceed the budget shares traditionally allocated to tactical aviation modernization. The House also pointed out that the Services' modernization plans do not follow a sequence based on priority of need. To deal with these problems, the House suggested a two-stage process of prototyping and sequencing of modernization priorities.

The House bill included a provision (sec. 215) that would accelerate development of the AX medium attack aircraft and institute a competitive prototyping phase. The provision would also require a prototyping phase for the F-18E/F strike fighter. The purpose of the provision, in addition to establishing prototyping, would be to establish 1996 as the key year for determining which tactical aviation programs to proceed with into the next century. The year 1996 would also be important as the first year for F-22 procurement based on the current plan.

The Senate amendment

The Senate report (S. Rept. 102-352) also questioned the affordability of the Department's tactical aviation modernization plans and criticized the Department for three particular failings. First, the Senate noted that there was virtually no inter-Service coordination of tactical aviation modernization programs. Most of the aviation programs were being pursued for single Service applications. Second, the Senate noted that no overall acquisition strategy was guiding these modernization programs. Third, the Senate noted that there was no overall assessment of roles and missions guiding the Department, with the so-called "Base Force" permitting each Service to develop its own solution to the build-down problem.

To solve these problems, the Senate amendment included a provision (sec. 915) that would prohibit the obligation of more than 50 percent of the funds appropriated for certain tactical aviation programs until the fiscal years 1994/1995 budget request was submitted and the Chairman of the Joint Chiefs of Staff had submitted his assessment of the roles and missions of the Services to Congress. The Senate also decided that, like the joint-Service AX, the F-18E/F should become the multirole modernization program for both the Navy/Marine Corps and the Air Force.

The conferees' recommendations

The conferees concluded that there was considerable merit in the concerns and conclusions of both Houses, but that no definitive solution was possible until the Department of Defense undertook a comprehensive review of tactical aviation modernization.

The conferees believe that the reduction of the threat facing the United States as a result of the disintegration of the Warsaw Pact and the Soviet Union, and the application in warfare of new technologies as demonstrated in Operation Desert Shield/Desert Storm, present the opportunity and the necessity for a systematic review of roles and missions. This assessment will provide the necessary foundation upon which a new modernization analysis can be built. Accordingly, the conferees recommend a provision that would require the Secretary of Defense to submit the Chairman's roles and missions assessment, and to conduct a separate comprehensive review of the long-term modernization plans for tactical aviation.

Concerning the Chairman's roles and missions assessment, the conferees direct the Chairman to undertake a thorough, everything-on-the-table review, with special emphasis on tactical aviation. Such an assessment shall outline missions where the Services currently provide support on behalf of each other and areas where additional Service specialization on behalf of the entire Department is feasible. The report shall identify those capabilities of one Service that cannot be provided to other Services in combined arms operations, or are otherwise deficient in meeting the needs of other Services, and the justification for continued duplication of capabilities. The assessment shall specifically address the tradeoff between long-range aviation and sea-based tactical aviation, including appropriate mixes of land and sea-based tactical aviation assets. The analysis shall also examine ways that single types of aircraft can be utilized by all of the Services to provide similar combat missions.

The review conducted by the Secretary of Defense shall include a comprehensive affordability assessment that takes into account the effect of historical budget shares devoted by the military Services to tactical aviation modernization. The review shall postulate the projected force structure for tactical aviation over the next 20 years, and indicate the most cost-effective modernization plans for that force structure. The modernization plans shall consider continued procurement of current aircraft, upgrades to current aircraft, and new design aircraft (e.g., F-16C/D, F-18C/D, F-18E/F, AX, F-22, EF-111, EA-6B, and EA-X). The assessment should also include input from the Cost Analysis Improvement Group.

The comprehensive review must also include a section on acquisition policies and guidelines, with special attention to the need to manufacture aircraft at lower-than-currently-projected annual rates and with lower inventory goals, yet in a manner that is still efficient and profitable for the contractors. The conferees note with concern that current acquisition plans continue to assume relatively high annual production rates and high inventory goals. Proceeding with modernization plans based on such assumptions will only produce the same problems that plague current aircraft programs—excess production capacity, excessive overhead costs, inefficient production rates, and soaring unit costs.

In conjunction with the review, the Secretary of Defense shall charter the Defense Science Board (DSB) to undertake two technical assessments. First, the DSB shall examine ways that current aircraft, upgrades to current aircraft, and new-design aircraft can be modified, upgraded, or otherwise adapted so that a single aircraft type could be used by all of the Services in parallel missions. Second, the DSB shall undertake a review of the technical risks associated with the F-18E/F, AX, and F-22.

To insure that this comprehensive review is conducted in a careful yet deliberate manner, the conferees recommend a provision that would stipulate that not more than 65 percent of the funds appropriated for the AX, F-18E/F, and F-22 may be obligated until this review is conducted and transmitted to the congressional defense committees.

The prohibition on obligation of more than 65 percent of the funds applies to the total aggregate funding authorized to be appropriated for the F-22, F-18E/F, and AX. The Department shall establish guidelines for the application of the 65 percent obligation ceiling among the three programs. The conferees intend the Secretary to establish those guidelines so that the Secretary has flexibility to adjust the 65 percent constraint among the three programs, as long as the total obligation authority does not exceed 65 percent of the total authorization until the stipulated actions are accomplished.

In addition to this broad direction, the conferees recommend the following specific directions on individual tactical aviation programs:

F-22 advanced tactical fighter

The amended budget request contained $2,224.3 million to continue engineering and manufacturing development of the F-22 advanced tactical fighter.

The House bill would authorize $2,024.3 million. The House report noted that the F-22 might best be procured using a "silver bullet" acquisition strategy.

The Senate amendment would authorize the requested level.

The conferees recommend an authorization of $2,224.3 million. As indicated above, the conferees note with concern Air Force plans to manufacture the F-22 at relatively high production rates and question the likelihood of producing the quantity of aircraft currently planned for the F-22. Consequently, the acquisition analysis stipulated above should examine annual production rates of 12, 24, 36, and 48 aircraft per year, and at inventory goals of 200, 300, and 650 aircraft.

AX attack aircraft

The amended budget request contained $165.6 million to continue concept development of the AX medium attack aircraft for the Navy and the Air Force.

The House bill would authorize $760.6 million for development of the AX. The House bill also contained a provision (sec. 215) that would require a competitive prototype strategy for the AX aircraft emphasizing current generation stealth technology and existing engines, radars, and avionics. Further, the provision would mandate that the competitive prototype phase be completed by no later than 1996.

The Senate amendment would authorize a total of $50.0 million for AX development. The Senate amendment would also endorse a competitive prototype acquisition strategy. The Senate amendment would limit obligation of funding until the roles and missions analysis was completed.

Concerning section 215 of the House bill, the Senate recedes with an amendment that would authorize the budget request of $165.6 million.

The conferees concur with the direction of the House bill that the AX acquisition strategy should be restructured to incorporate a prototype competition. The conferees share the view of the House that the Department of Defense should utilize current generation stealth technology and, to the maximum feasible extent, engines, radars, and avionics systems that currently exist or are in development.

Finally, in order to ensure a timely revision of the AX acquisition strategy, the conferees recommend a stipulation that would prohibit the obligation of more than 65 percent of the funds authorized to be appropriated for the AX, F-18E/F, and F-22 until the Under Secretary of Defense for Acquisition has approved a revised acquisition plan for the AX that includes a demonstration/validation phase that incorporates a competitive prototyping phase.

F-18E/F multirole aircraft

The amended budget request included $1,133.6 million to continue development of an E/F model for the Navy's F-18 strike fighter.

The House bill would reject the amended budget request to proceed with full-scale development. The House bill contained a provision (sec. 215) that would authorize only $598.6 million for the E/F program. The provision would further direct the Navy to restructure the acquisition program to establish a prototype phase, and would prohibit initiation of engineering and manufacturing development until that prototype phase had been completed.

The Senate amendment would authorize a total of $943.6 million for the E/F program in fiscal year 1993. The Senate amendment would direct that the F-18E/F program should become the multirole fighter used by both the Navy/Marine Corps and the Air Force. The Senate report stipulated, however, that none of the development funds may be obligated until the Secretary of Defense certifies that the development cost of the E/F program shall not exceed $4.88 billion (fiscal year 1990 dollars), the flyaway cost of the E/F model will not exceed 125 percent of the flyaway cost of a C/D model, a cost and operational effectiveness analysis had been conducted, the Defense Science Board had determined whether or not a prototype phase was needed for the program, and the Chairman of the Joint Chiefs of Staff had submitted the roles and missions report.

Concerning the House provision on F-18E/F prototyping (sec. 215), the Senate recedes with an amendment that would prohibit the Navy from obligating any procurement funds, including long-lead funds, for an F-18E/F aircraft until the Navy has completed an early operational assessment of the F-18E/F, based in part on flight performance of not less than two research and development prototype aircraft. Further, the amendment would stipulate that the Director of Operational Test and Evaluation shall approve the operational assessment plan.

The conferees recommend several additional stipulations. First, the conferees note that the Navy's current cost estimates are based on production of 72 aircraft per year. The conferees question whether that is realistic. In the acquisition analysis stipulated above, the Department shall examine production rates of 18, 36, 54, and 72 aircraft per year. Second, the conferees endorse the cost cap provisions outlined in the Senate report. The conferees are open to reconsidering the flyaway cost cap if the Navy demonstrates the warfighting effectiveness that could be achieved at higher flyaway costs. Third, the Department of Defense shall conduct an independent cost and effectiveness analysis (COEA).

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Overview

The amended budget request for fiscal year 1993 contained an authorization of $56,291.7 million for procurement in the Department of Defense. The House bill would authorize $56,907.5 million. The Senate amendment would authorize $53,861.9 million. The conferees recommend authorization of $54,948.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

AIRCRAFT PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $1,291.3 million for Aircraft Procurement, Army. The House bill would authorize $1,501.3 million. The Senate amendment would authorize $1,328.9 million. The conferees recommend authorization of $1,553.9 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, ARMY												
1	C-20 AIRCRAFT												
2	GUARDRAIL COMMON SENSOR (TIARA)	5	111,927	5	111,927	5	111,927					5	111,927
3	TRACTOR HALL		197		197		197						197
4	TOTAL PACKAGE FIELDING		1,185		1,185		1,185						1,185
5	AH-64 ATTACK HELICOPTER (APACHE) (MYP)		147,763		147,763		147,763						147,763
6	UH-60 BLACKHAWK (MYP)	60	252,428	60	252,428	60	252,428					60	252,428
7	UH-60 ADVANCE PROCUREMENT (CY)		154,501		154,501		154,501						154,501
8	HELICOPTER NEW TRAINING	70	44,885	70	44,885	70	44,885					70	44,885
9	DRUG INTERDICTION												
	MODIFICATION OF AIRCRAFT												
10	TRACTOR DEW		196		196		196						196
11	OV-1 MODS SURVEILLANCE AIRPLANE (TIARA)												
12	GUARDRAIL MODS (TIARA)		92,991		92,991		92,991						92,991
13	RU-21 MODS (TIARA)												
14	AHIS MODS		3,519		3,519		3,519						3,519
15	AH-64 MODS		49,139		9,139		91,839		-82,700		42,700		91,839
16	CH-47 CARGO HELICOPTER (MODS) (MYP)		15,014		15,014		15,014						15,014
17	CH-47 ADVANCE PROCUREMENT (CY)												
18	OH-58 MODS		3,738		3,738		3,738						3,738
19	C-23 MODS												
20	FLIGHT DATA RECORDER		9,738		9,738		9,738						9,738
21	EXTERNAL FUEL TANKS (UH-1)												
22	UH-1 MODS		5,214		5,214		5,214						5,214
23	UH-60 MODS		12,662		12,662		12,662						12,662
24	ARMED OH-58D		96,157	36	346,157		96,157	36	250,000	36	225,000	36	321,157
25	EH-60 HELICOPTER MODS		393		393		393						393
26	AIRBORNE AVIONICS		986		986		986						986
27	ASE MODS		7,141		7,141		7,141						7,141
28	SOF AIRCRAFT MODS												
29	DRUG INTERDICTION (MODS)												
30	APA SPARES AND REPAIR PARTS		101,012		101,012		95,962		5,050		-5,050		95,962
31	AIRCRAFT SURVIVABILITY EQUIPMENT		75,154		75,154		75,154						75,154
32	AIRBORNE COMMAND & CONTROL CONSOLES		6,815		6,815		6,815						6,815

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	AVIONICS SUPPORT EQUIPMENT		33,722		33,722		33,722						33,722
34	COMMON GROUND EQUIPMENT		43,075		43,075		43,075						43,075
35	AIR TRAFFIC CONTROL		5,718		5,718		5,718						5,718
36	SYNTHETIC FLIGHT TRAINING SYSTEMS												
37	INDUSTRIAL FACILITIES		15,014		15,014		15,014						15,014
38	LAUNCHER, 2.75 ROCKET		975		975		975						975
	GENERAL REDUCTION, INTERIM CONTRACT SUPPORT												
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,291,259		1,501,259		1,328,909		172,350		262,650	171	1,553,909

UH-1 helicopter modernization

The conferees are aware that the current Army aviation plan intends to retain large numbers of non-deployable aircraft, such as the UH-1 helicopter.

The conferees remain concerned about the overall affordability of the Army's aviation plans, and believe the Army should evaluate alternatives for modernizing the UH-1 fleet.

Therefore, the conferees direct the Secretary of the Army to review requirements and develop plans for UH-1 fleet modernization or replacement in the overall context of Army aviation modernization, and provide a long-range plan in conjunction with the submission of the fiscal years 1994/1995 budget request.

MISSILE PROCUREMENT, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $982.3 million for Missile Procurement, Army. The House bill would authorize $1,083.1 million. The Senate amendment would authorize $1,037.9 million. The conferees recommend authorization of $1,118.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MISSILE PROCUREMENT, ARMY												
1	CHAPARRAL SYSTEM SUMMARY		6,642		6,642		6,642						6,642
2	HAWK SYSTEM SUMMARY		1,694		1,694		1,694						1,694
3	OTHER MISSILE SUPPORT		1,368		1,368		1,368						1,368
4	PATRIOT SYSTEM SUMMARY (MYP)		25,160		25,160		25,160						25,160
5	STINGER SYSTEM SUMMARY		9,459		9,459		9,459						9,459
6	AVENGER SYSTEM SUMMARY	144	103,263	144	103,263	144	103,263					144	103,263
7	ADVANCE PROCUREMENT (CY)		44,900		44,900		44,900						44,900
8	LASER HELLFIRE SYS SUMMARY	2,158	103,376	2,158	103,376	2,158	103,376					2,158	103,376
9	JAVELIN (AAWS-M) SYSTEM SUMMARY		18,305		18,305		18,305						18,305
10	TOW 2 SYSTEM SUMMARY	9,440	183,061	9,440	183,061	9,440	183,061					9,440	183,061
11	MLRS ROCKET		2,169	30,000	110,900	22,000	110,869	8,000	31	30,000	108,729	30,000	110,898
12	MLRS ADVANCE PROCUREMENT (CY)												
13	MLRS LAUNCHER	44	197,270	73	189,351	44	146,270	29	43,081	29	29,730	73	227,000
14	MLRS ADVANCE PROCUREMENT (CY)												
15	ARMY TACTICAL MISSILE SYS (ATACMS)	340	163,241	340	163,241	340	163,241					340	163,241
16	ATACMS ADVANCE PROCUREMENT (CY)		25,029		25,029		25,029						25,029
	MODIFICATION OF MISSILES												
17	PATRIOT MODS		10,044		10,044		10,044						10,044
18	CHAPARRAL MODS												
19	HAWK MODS		1,514		1,514		1,514						1,514
20	AVENGER MODS		4,191		4,191		4,191						4,191
21	TOW MODS		4,998		4,998		4,998						4,998
22	MLRS MODS		12,215		12,215		12,215						12,215
23	MODIFICATIONS LESS THAN $2.0M												
24	TRACTOR RIG												
25	MPA SPARES AND REPAIR PARTS		42,142		42,142		40,037		2,105		-2,105		40,037
26	AIR DEFENSE TARGETS		11,241		11,241		11,241						11,241
27	ITEMS LESS THAN $2.0M (MISSILES)		848		848		848						848
28	PRODUCTION BASE SUPPORT		10,168		10,168		10,168						10,168
29	CLOSED ACCOUNT ADJUSTMENTS												
	GENERAL REDUCTION, INTERIM CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT ARMY		982,298		1,083,110		1,037,893		45,217		136,354		1,118,652

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $623.4 million for Weapons and Tracked Combat Vehicles, Army. The House bill would authorize $736.6 million. The Senate amendment would authorize $839.8 million. The conferees recommend authorization of $877.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT OF W&TCV, ARMY												
	TRACKED COMBAT VEHICLES												
1	ABRAMS TRNG DEV MOD		1,931		1,931		1,931						1,931
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		103,921		103,921	120	258,921	-120	-155,000	60	85,000	60	188,921
	BRADLEY BASE SUSTAINMENT PROGRAM												
3	M1 ABRAMS TANK TRAINING DEVICES		965		965		965						965
4	ARMORED GUN SYSTEM (AGS)		4,747		4,747		4,747						4,747
5	M1 ABRAMS TANK SERIES (MYP)		32,397		32,397		32,397						32,397
	MODIFICATION OF TRACKED COMBAT VEHICLES												
6	CARRIER, MOD		5,720		5,720		5,720						5,720
7	BFVS SERIES (MOD)		34,459		123,659		34,459		89,200		40,000		74,459
8	HOWITZER, MED SP FT 155MM M109 SER (MOD)		125,412		125,412		125,412						125,412
9	HOWITZER, MED SP 155(MOD)M109A5		23,120		23,120		23,120						23,120
10	FAASV PIP TO FLEET		25,847		25,847		25,847						25,847
11	M1 ABRAMS TANK (MOD)		25,202		25,202		65,202		-40,000		122,400		147,602
12	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		986		986		986						986
	SUPPORT EQUIPMENT AND FACILITIES												
13	WTCV SPARES AND REPAIR PARTS		52,032		52,032		49,432		2,600		-2,600		49,432
14	ITEMS LESS THAN $2.0M (TCV-WTCV)		203		203		203						203
15	PRODUCTION BASE SUPPORT (TCV-WTCV)		50,183		50,183		50,183				-14,487		35,696
16	REGIONAL MAINTENANCE TRAIN SITES-EQUIP		2,402		2,402		2,402						2,402
	WEAPONS AND OTHER COMBAT VEHICLES												
17	HOWITZER, LIGHT, TOWED, 105MM, M119	87	47,760	87	47,760	87	47,760					87	47,760
18	MACHINE GUN, 5.56MM (SAW)	4,416	9,793	4,416	9,793	4,416	9,793					4,416	9,793
19	GRENADE LAUNCHER, AUTO, 40MM, MK19-3			1,500	24,000	1,500	24,000			1,500	24,000	1,500	24,000
20	LAUNCHER, SMOKE GRENADE												
21	MORTAR, 120MM	242	17,487	242	17,487	242	17,487					242	17,487
22	M16 RIFLE												
23	5.56 CARBINE M4	18,930	9,668	18,930	9,668	18,930	9,668					18,930	9,668
24	PERSONAL DEFENSE WEAPON, 9MM		788		788		788						788
25	PDW 9MM SUB COMPACT												
26	VEH RAPID FIRE WPN SYS-BUSHMASTER (MYP)												
27	SQUAD AUTOMATIC WEAPON (MOD)		3,086		3,086		3,086						3,086
28	M16 RIFLE MODS		9,274		9,274		9,274						9,274

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
29	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV		1,970		1,970		1,970						1,970
30	WTCV SPARES AND REPAIR PARTS		609		609		609						609
31	ITEMS LESS THAN $2.0M (WOCV-WTCV)		4,482		4,482		4,482						4,482
32	PRODUCTION BASE SUPPORT (WOCV-WTCV)		22,092		22,092		22,092						22,092
33	INDUSTRIAL PREPAREDNESS		6,905		6,905		6,905						6,905
	TOTAL W&TCV		623,441		736,641		839,841		-103,200		254,313		877,754

M-2 fighting vehicle

The amended budget request contained $103.9 million to procure the final M-2 fighting vehicles under a multiyear contract. At the conclusion of the contract, no further M-2 vehicles would be procured, though the Army would continue to buy small numbers of derivative vehicles based on the M-2 chassis. The budget request also contained $34.5 million for modifications for the M-2.

The House bill, recognizing the need to preserve this element of the industrial base, recommended purchase of additional MLRS rocket launchers, which utilize the M-2 chassis. The House amendment also would authorize $99.2 million to initiate a program to upgrade early models of the M-2 fighting vehicle into an improved "A-2" configuration.

The Senate amendment also sought to preserve the industrial base, and recommended an additional authorization of $155.0 million to procure 120 M-2 vehicles. The Senate amendment also contained a provision (sec. 112) that would make available the funds received from the sale of surplus infantry fighting vehicles for an upgrade program for Army infantry fighting vehicles.

The conferees believe that the M-2 industry base is critical, since it is the basis for a large number of derivative vehicles in the Army. In addition, the conferees note that the Army continues to need additional M-2 vehicles to meet even its smaller force structure.

The conferees recommend an authorization of $227.0 million to procure 73 multiple launch rocket system launchers. In addition, the conferees recommend an authorization of $188.9 million to complete the multiyear contract and to procure 60 additional M-2 vehicles. Further, the conferees recommend an authorization of $74.5 million for M-2 modifications. This represents a net reduction of $10.0 million for armor tiles and a $50.0 million increase to initiate an upgrade program to convert first generation M-2 vehicles into the improved block 2 configuration. The conferees direct, however, that none of the funds for the additional 60 vehicles may be obligated until the Army has developed an obligation plan for the block upgrade program and has transmitted that plan to the congressional defense committees.

The conferees emphasize that the purpose of the modification program is to preserve the current M-2 industrial base. For that reason, the conferees emphasize that the Army should develop a modification program that provides the maximum degree of commonality in hardware components and manufacturing processes with the ongoing M-2 production line.

Finally, the conferees recommend an additional $5.0 million in research and development for M-2 upgrades, to include an eyesafe laser range-finder system for the M-2.

As noted elsewhere in this statement of the managers, concerning the Senate provision (sec. 112), the House recedes.

AMMUNITION, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $823.6 million for Ammunition, Army. The House bill would authorize $940.0 million. The Senate amendment would authorize $764.3 million. The conferees recommend authorization of $829.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT OF AMMUNITION, ARMY												
1	NUCLEAR WEAPONS SUPPORT MATERIEL												
	SMALL/MEDIUM CAL AMMUNITION												
2	CTG, 5.56MM, ALL TYPES		25,167		33,767		25,167		8,600		8,600		33,767
3	CTG, 7.62MM, ALL TYPES		10,494		15,294		10,494		4,800		4,800		15,294
4	CTG, 9MM, ALL TYPES		2,382		2,382		2,382						2,382
5	CTG, .45 CAL, ALL TYPES		1,974		1,974		1,974						1,974
6	CTG, .50 CAL, ALL TYPES		11,420		11,420		8,720		2,700				11,420
	CTG, .50 CAL, SLAP						10,000		-10,000		5,000		5,000
7	CTG, 20MM, ALL TYPES												
8	CTG, 25MM, ALL TYPES		4,663				4,663		-4,663				4,663
9	CTG, 30MM, ALL TYPES												
10	CTG, 40MM, ALL TYPES		29,545		28,695		29,545		-850		-850		28,695
	MORTAR AMMUNITION												
11	CTG, MORTAR, 60MM, 1/10 PRAC, M840												
12	CTG, MORTAR, 60MM, SMOKE, M722												
13	CTG, MORTAR, 120MM, HE/MO, XM934	39	13,377	39	13,377	39	13,377					39	13,377
14	CTG, MORTAR, 120MM, HE/PD, XM933	10	3,020	10	3,020			10	3,020	-10	-3,020		
15	CTG, MORTAR, 120MM, ILLUM, XM930												
16	CTG, MORTAR, 120MM, SMOKE, XM929												
	TANK AMMUNITION												
17	CTG, TANK, 35MM, SUBCAL PRAC, M968	17	1,309	17	1,309	17	1,309					17	1,309
18	CTG, TANK, 105MM, TP-T, M490A1												
19	CTG, TANK, 105MM, DS-TP, M724A1												
20	CTG, TANK, 105MM, APFSDS-T, M900A1												
21	CLASSIFIED PROJECT	[ ]	[ ]										
22	CLASSIFIED PROJECT	[ ]	[ ]										
23	CTG, TANK, 120MM, TP-T, M831	52	46,090	52	46,090	52	46,090					52	46,090
24	CTG, TANK, 120MM, TPCSDS-T, M865	114	74,923	114	74,923	114	74,923					114	74,923
	ARTILLERY AMMUNITION												
25	CTG, ARTY, 105MM, HERA, M913	28	14,803	28	14,803	28	14,803					28	14,803
26	PROJ, ARTY, 155MM, ILLUM, M485												
27	PROJ, ARTY, 155MM, ADAM-S M731												
28	PROJ, ARTY, 155MM, BASEBURNER M864	225	172,117	225	172,117	119	90,917	106	81,200	-106	-81,200	119	90,917

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
29	PROJ, ARTY, 155MM, SADARM, XM898	228	35,486	228	35,486	228	35,486			-228	-35,486		
30	PROJ, ARTY, 155MM, HE, M107												
31	PROP CHG, 155MM, WHITE BAG, M4												
32	PROP CHG, 155MM, RED BAG, M203	67	37,513	67	37,513	67	37,513					67	37,513
33	PROP CHG, 155MM, RED BAG, M119												
34	PROP CHG, 8-INCH, GREEN BAG, M1												
	ARTILLERY FUZES												
35	FUZE, ARTILLERY, ELEC TIME, M767												
36	FUZE, ARTILLERY, PROXIMITY, M732A2												
37	FUZE, ARTILLERY, ELEC TIME, M762												
38	FUZE, ARTILLERY, MOUT, MK399 MOD 1												
	MINES												
39	MINE, TRAINING, ALL TYPES		2,953		2,953		2,953						2,953
40	MINE, VOLCANO, AT/AP, M87				60,000				60,000		60,000		60,000
41	MINE, CLEARING CHARGE, ALL TYPES												
	ROCKETS												
42	AT-4 MULTI-PURPOSE WEAPON												
43	ROCKET, LAW, ALL TYPES												
44	ROCKET, HYDRA 70, ALL TYPES		10,030		10,030		33,030		-23,000		23,000		33,030
	OTHER AMMUNITION												
45	PRIMER, PERCUSSION, M82	1,715	6,652	1,715	6,652	1,715	6,652					1,715	6,652
46	DEMOLITION MUNITIONS, ALL TYPES		1,988		1,988		1,988						1,988
47	GRENADES, ALL TYPES		7,767		6,367		6,367				-1,400		6,367
48	SIGNALS, ALL TYPES		558		558		558						558
49	SIMULATORS, ALL TYPES		6,079		5,399		5,779		-380		-300		5,779
	MISCELLANEOUS												
50	AMMO COMPONENTS, ALL TYPES		18,182		14,082		18,182		-4,100				18,182
51	CAD/PAD, ALL TYPES		11,413		11,413		11,413						11,413
52	ITEMS LESS THAN $2 MILLION		1,247		1,247		1,247						1,247
53	EOD EXPLOSIVE ITEMS		2,744		2,744		2,744						2,744
54	AMMUNITION PECULIAR EQUIPMENT		6,427		6,427		6,427						6,427
55	FIRST DESTINATION TRANSPORTATION (AMMO)		98		98		98						98
56	NITROGUANIDINE												
	AMMUNITION PRODUCTION BASE SUPPORT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
57	PROVISION OF INDUSTRIAL FACILITIES		59,533		59,533		59,533						59,533
58	COMPONENTS FOR PROVE-OUT		2,300		2,300		2,300						2,300
59	LAYAWAY OF INDUSTRIAL FACILITIES		31,690		29,990		26,890		3,100		-4,800		26,890
60	PROVING GROUND MODERNIZATION		1,500		1,500		1,500						1,500
61	MAINTENANCE OF INACTIVE FACILITIES		75,177		75,177		68,277		6,900		-6,900		68,277
62	CONVENTIONAL AMMO DEMILITARIZATION		23,600		35,000		31,600		3,400		11,400		35,000
999	CLASSIFIED PROGRAMS		69,379		114,379		69,379		45,000		27,000		96,379
	TOTAL ARMY AMMUNITION		823,600		940,007		764,280		175,727		5,844		829,444

Cartridge cases

The Army and the Marine Corps require deep drawn cartridge cases for their 105mm tank projectiles, while the Navy has the same requirement for its 5-inch and 76mm gun ammunition. In addition, the Army will require 105mm deep drawn cartridge cases in support of the armored gun system family of ammunition, which may be procured as early as fiscal year 1994.

The military Services have a single production source available with unique technological capabilities for manufacturing large caliber, deep drawn cartridge cases. The Army invested $55 million in this facility in the 1980s but for a Cold War capacity that now exceeds current requirements.

The conferees direct the Army single manager for ammunition to identify the requirements of the military Services for ammunition items that utilize deep drawn cartridge cases. If sufficient requirements are determined to exist, the conferees encourage the Army to seek reprogramming funds in support of 105mm tank projectile production to maintain this vital defense capability, commensurate with projected requirements.

Ammunition demilitarization

The conferees agree to the recommendations in the House report (H. Rept. 102-527) on ammunition demilitarization.

OTHER PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,093.5 million for Other Procurement, Army. The House bill would authorize $3,157.9 million. The Senate amendment would authorize $3,032.2 million. The conferees recommend authorization of $3,129.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, ARMY												
	TACTICAL AND SUPPORT VEHICLES												
	TACTICAL VEHICLES												
1	TACTICAL TRAILERS/DOLLY SETS		11,787		11,787		41,787		-30,000		30,000		41,787
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T												
3	SEMITRAILER, TANK, 5000G			250	25,000			250	25,000	250	25,000	250	25,000
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	6,437	229,548	6,437	229,548	6,437	229,548					6,437	229,548
5	FAMILY OF MEDIUM TACTICAL VEH (MYP)	2,384	291,101	2,384	291,101	2,384	291,101					2,384	291,101
6	HEAVY EQUIPMENT TRANSPORTER SYS			118	40,000			118	40,000	118	40,000	118	40,000
7	TRUCK, 10T, 8X8, ABT												
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	961	315,730	961	315,730	961	315,730					961	315,730
9	TRUCK, TRACTOR, LINE HAUL, M915/M916												
10	MODIFICATION OF IN SVC EQUIP		3,058		3,058		3,058						3,058
11	ITEMS LESS THAN $2.0M (TAC VEH)		98		98		98						98
12	PASSENGER CARRYING VEHICLES	38	2,130	38	2,130	38	2,130					38	2,130
13	GENERAL PURPOSE VEHICLES		5,957		5,957		5,957						5,957
14	SPECIAL PURPOSE VEHICLES		5,682		5,682		5,682						5,682
15	1ST DEST TRANS/TOT PKG FIELDING TACOM												
16	SYSTEM FIELDING SUPPORT PEO		890		890		890						890
17	PROJECT MANAGEMENT SUPPORT		3,714		3,714		3,714						3,714
18	SYSTEM FIELDING SUPPORT (TACOM)		569		569		569						569
19	SPARES AND REPAIR PARTS- OPA 1		11,797		11,797		11,207		590		-590		11,207
20	PRODUCTION BASE SUPPORT (TAC VEH)												
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
21	JCSE EQUIPMENT (USREDCOM)		3,480		3,480		3,480						3,480
22	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		112,393		97,393		112,393		-15,000		-8,150		104,243
23	SAT TERM, ADVANCED MPK UHF		11,000		11,000		11,000						11,000
24	GMF CONTROL	3	1,170	3	1,170	3	1,170					3	1,170
25	NAVSTAR GLOBAL POSITIONING SYSTEM	2,171	29,386	2,171	29,386	2,171	29,386				-1,386	2,171	28,000
26	NAVSTAR AIRBORNE												
27	SINGLE CHANNEL OBJECT TACT TERM (SCOTT)	2	38,412	2	28,412	2	14,012		14,400		-24,412	2	14,000
28	MOD OF IN-SVC EQUIP (TAC SAT)		9,367		9,367		9,367						9,367
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		4,510		4,510		2,910		1,600				4,510
30	EUSA-C31 INITIATIVES												

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31	SECURE CONFERENCING PROJECT												
32	STD THEATER CMD & CONTROL SYS (STACCS)		2,777		2,777		2,777						2,777
33	WWMCCS INFORMATION SYSTEM (WIS)		7,887		7,887		7,887						7,887
34	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		27,297		59,297		27,297		32,000		32,000		59,297
35	MOBILE SUBSCRIBER EQUIP (MSE)		58,528		58,528		58,528						58,528
36	SINCGARS FAMILY		223,190		223,190		203,190		20,000				223,190
37	SW ASIA COMM INFRASTRUCTURE		1,306		1,306		1,306						1,306
38	EAC COMMUNICATIONS		6,459		15,459		40,959		-25,500		34,500		40,959
39	MOD OF IN-SVC EQUIP (EAC COMM)		37,525		37,525		37,525						37,525
40	VEHICULAR INTERCOM SYSTEM (VIS)												
41	C-E CONTINGENCY/FIELDING EQUIP		8,133		8,133		8,133						8,133
42	TSEC - ARMY KEY MGT SYS (AKMS)		7,377		7,377		7,377						7,377
43	TSEC - TEMPEST (COMSEC)		987		987		987						987
44	TSEC - TRUNK ENCRYPTION DEVICES (TED)		6,824		6,824		6,824						6,824
45	TSEC/KG-84, DED LOOP ENCRYP DEV	1,328	8,513	1,328	8,513	1,328	8,513					1,328	8,513
46	TSEC/KY-99, MINTERM		6,913		6,913		6,913						6,913
47	TSEC - SEC VOICE IMPRV PROG (COMSEC)		1,865		1,865		1,865						1,865
48	TSEC - ITEMS LESS THAN $2.0M (COMSEC)		6,055		6,055		6,055						6,055
49	TERRESTRIAL TRANSMISSION		5,328		5,328		5,328						5,328
50	C-E FACILITIES/PROJECTS		4,104		4,104		4,104						4,104
51	DEFENSE DATA NETWORK (DDN)		6,059		6,059		6,059						6,059
52	ELECTROMAG COMP PROG (EMCP)		741		741		741						741
53	WW TECH CON IMP PROG (WWICIP)		2,141		2,141		2,141						2,141
54	INFORMATION SYSTEMS		66,211		66,211		52,511		13,700				66,211
55	DEFENSE MESSAGE SYSTEM (DMS)		8,191		8,191		8,191						8,191
56	LOCAL AREA NETWORK (LAN)		29,262		19,262		19,262				-10,000		19,262
57	PENTAGON TELECOM CTR (PTC)		4,069		4,069		3,069		1,000		-1,000		3,069
58	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		498		498		498						498
59	GENERAL DEFENSE INTELL PROG (GDIP)		26,013		30,251		26,013		4,238				26,013
60	ITEMS LESS THAN $2.0M (INTEL SPT)		2,021		2,021		2,021						2,021
61	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		54,319		44,319		44,319				-10,000		44,319
62	COMMANDERS TACTICAL TERM (CTT) (TIARA)	13	5,558	13	5,558	13	5,558					13	5,558
63	IMAGERY PROCESSING SYSTEM (IPS) (TIARA)		1,485		1,485		1,485						1,485
54	JOINT STARS (ARMY) (TIARA)		36,212		36,212		36,212						36,212

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65	DIGITAL TOPOGRPHIC SPT SYS (DISS)(TIARA)		9,950		9,950		9,950						9,950
66	DRUG INTERDICTION PROGRAM (DIP) (TIARA)												
67	TACT ELEC SURV SYS (TESS)(TIARA)		5,321		5,321		5,321						5,321
68	TROJAN (TIARA)		5,506		5,506		5,506						5,506
69	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		20,842		20,842		20,842						20,842
70	ITEMS LESS THAN $2.0M (TIARA)		1,866		1,866		1,866						1,866
71	CLOSE COMBAT DECOYS		1,578		1,578		1,578						1,578
72	SHORTSTOP												
73	MOD OF IN-SVC EQUIP (EW)		8,919		8,919		8,919						8,919
74	LT SPEC DIV INTERIM SENSOR (LSDIS)												
75	NIGHT VISION DEVICES		80,879		80,879		80,879						80,879
76	PHYSICAL SECURITY SYSTEMS		11,720		11,720		11,720						11,720
77	RADIATION MONITORING SYSTEMS												
78	ARTILLERY ACCURACY EQUIP		13,773		13,773		13,773						13,773
79	MOD OF IN-SVC EQUIP (TAC SURV)		30,155		30,155		30,155						30,155
80	COMMAND & CONTROL CONSOLES												
81	INTEGRATED MET SYS SENSORS (IMETS)		5,855		5,855		5,855						5,855
82	FIRE SUPPORT ADA CONVERSION		11,683		11,683		11,683						11,683
83	CORPS/THEATER ADP SVC CTR (CTASC)		12,270		12,270		12,270						12,270
84	FORWARD ENTRY DEVICE (FED)		17,149		17,149		17,149						17,149
85	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		780		780		780						780
86	LOGTECH		2,217		2,217		2,217						2,217
87	MANEUVER CONTROL SYSTEM (MCS)		42,253				17,453		-17,453		-24,800		17,453
88	STAMIS TACTICAL COMPUTERS (STACOMP)		3,766		3,766		3,766						3,766
89	AUTOMATED DATA PROCESSING EQUIP		147,789		147,789		147,789						147,789
90	RESERVE COMPONENT AUTOMATION SYS (RCAS)		152,222		152,222		152,222						152,222
91	AFRTS		4,001		4,001		4,001						4,001
92	ITEMS LESS THAN $2.0M (A/V)		4,196		4,196		4,196						4,196
93	CALIBRATION SETS EQUIPMENT		15,255		15,255		15,255						15,255
94	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		39,065		51,065		39,065		12,000		12,000		51,065
95	SIMP TEST EQUIP - INTERNAL COMBUST ENGS	1,100	5,554	1,100	5,554	1,100	5,554					1,100	5,554
96	TMDE MODERNIZATION (TMOD)		15,811		15,811		15,811						15,811
97	INITIAL SPARES -OPA 2		68,911		68,911		65,465		3,446		-3,446		65,465
98	ARMY PRINTING AND BINDING EQUIPMENT		4,175		4,175		4,175						4,175

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
99	INSTALLATION C4 UPGRADE (ICU)		9,521		9,521		9,521						9,521
100	PECIP AND QRIP		7,512		7,512		7,512						7,512
101	PRODUCTION BASE SUPPORT (C-E)		3,610		3,610		3,610						3,610
102	1ST DES TRAN/TOT PACK FLD/NEW EQ TRN												
103	SPECIAL PROGRAMS		47,782		47,782		40,597		7,185		-40,597		7,185
	OTHER SUPPORT EQUIPMENT												
104	SIMP COLL PROT EQUIP M20	233	2,258	233	2,258	233	2,258					233	2,258
105	COLL PROT EQUIP, NBC TEMPER, TENT XM28												
106	MASK, PROTECTIVE, NBC M40/M42		42,330		42,330		42,330						42,330
107	MASK, ACFT												
108	REMOTE SENSING CHEMICAL AGENT ALARM XM21	18	7,283	18	7,283	18	7,283					18	7,283
109	CHEMICAL AGENT MONITOR	1,216	9,544	1,216	9,544	1,216	9,544					1,216	9,544
110	RECONNAISSANCE SYS, FOX NBC (NBCRS) XM93												
111	DECONTAMINATE APP PWR DR LT WT M17												
112	RADIATION MONITORING SYSTEM (OPA-3)		14,303		14,303		14,303						14,303
113	ITEMS LESS THAN $2.0M (BRIDGING)												
113a	TOWED ASSAULT BRIDGE				2,000				2,000		2,000		2,000
114	DISPENSER, MINE XM139	83	14,969	83	14,969	83	14,969					83	14,969
115	DETECTING SET, MINE, AN/PSS-12	5,353	7,379	5,353	7,379	5,353	7,379					5,353	7,379
116	VEHICLE MAGNETIC SIGNATURE DUP												
117	COUNTERMINE EQUIPMENT				15,000				15,000				
118	INT SURVEY EQ (AISI)												
119	MOD IN-SVC EQ (ENGR-NC)												
120	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,019		3,019		3,019						3,019
121	FIELD KITCHEN,MOBILE, TRL MTD.												
122	STANDARD INTEGRATED CMD POST SYSTEM LSV LANDING CRAFT		37,568		37,568		37,568						37,568
123	FIRETRUCKS		4,204		4,204		4,204						4,204
124	LAUNDRY UNIT/TRL MTD												
125	TOOL OUTFIT, PIONEER, PORTABLE SET												
126	SOLDIER ENHANCEMENT		11,228		11,228		11,228						11,228
127	ITEMS LESS THAN $2.0M (CSS-EQ)		5,268		5,268		5,268						5,268
128	TANK ASSEMBLY FAB COLL POL 50000 G												
129	TANK ASSY, FAB COLLAPS, 20,000 GAL POL												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
130	FUEL SYSTEM SUPPLY POINT, 60000 GALLON												
131	PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM												
132	SWA PETROLEUM DISTRIBUTION SYSTEM		3,510		3,510		3,510						3,510
133	FORWARD AREA REFUELING SYS ADV AVIATION	40	3,379	40	3,379	40	3,379					40	3,379
134	HEMIT AVIATION REFUELING SYSTEM												
135	ITEMS LESS THAN $2.0M (POL)		5,623		5,623		5,623						5,623
136	WATER PURIF UNIT REV OS 3000 GPH	33	12,618	33	12,618	33	12,618					33	12,618
137	FWD AREA WTR POINT SUP SYSTEM												
138	TANK FABRIC COLL WTR 3000 GAL (ONION)												
139	WATER QUALITY ANALYSIS SET PURIF												
140	ITEMS LESS THAN $2.0M (WATER EQ)		4,377		4,377		4,377						4,377
141	COMBAT SUPPORT MEDICAL		24,819		24,819		24,819						24,819
142	MEDICAL SUPPORT EQUIPMENT												
143	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD	31	1,955	31	1,955	31	1,955					31	1,955
144	ITEMS LESS THAN $2.0M (MAINT EQ)		5,920		5,920		5,920						5,920
	NATURAL GAS UTILIZATION EQUIPMENT												
145	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)	3	1,112	3	1,112	3	1,112					3	1,112
146	CRUSHING/SCREENING PLANT, 150 TPH	2	3,207	2	3,207	2	3,207					2	3,207
147	ITEMS LESS THAN $2.0M (CONST EQUIP)		4,508		4,508		4,508						4,508
148	CAUSEWAY SYSTEMS		10,782		10,782		10,782						10,782
149	MOD IN-SVC EQ (FLOAT/RAIL)												
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		2,123		2,123		2,123						2,123
151	GENERATORS AND ASSOCIATED EQUIP		45,439		45,439		45,439						45,439
152	FRONT/SIDE LOADER FORKLIFT, CBD, PT, 6K	73	8,506	73	8,506	73	8,506					73	8,506
153	TRUCK, FORK LIFT, DE, PT, RT, 6000 LB												
154	ITEMS LESS THAN $2.0M (MHE)		4,885		4,885		4,885						4,885
155	COMBAT TRAINING CENTERS SUPPORT		21,948		21,948		21,948						21,948
156	TRAINING DEVICES, NONSYSTEM		90,668		90,668		90,668				-1,768		88,900
157	SYSTEM FIELDING SUPPORT (OPA-3)		25,443		25,443		25,443						25,443
158	FIRST DESTINATION TRANS (OPA-3)												
159	SPARES AND REPAIR PARTS - OPA 3		13,341		13,341		11,174		2,167		-667		12,674
160	BASE LEVEL COM'L EQUIPMENT		12,622		12,622		12,622						12,622
161	PROD ENHANCING CAPITAL INVEST PROG												
162	QUICK RETURN ON INVESTMENT PROGRAM												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
163	ARMS CONTROL COMPLIANCE		3,520		3,520		3,520						3,520
164	PRODUCTION BASE SUPPORT (OTH)		2,542		2,542		2,542						2,542
165	COMBINED DEFENSE IMPROVE PROJECT (CDIP)		3,911		3,911		3,911						3,911
166	MODIFICATION OF IN-SVC EQUIPMENT (BA-3)		14,305		14,305		14,305						14,305
167	OSD PRODUCTIVITY INVESTMENT FUNDING												
168	INDUSTRIAL MODERNIZATION INCENTIVE PROG		7,429		7,429		7,429						7,429
169	SPECIAL EQUIPMENT FOR USER TESTING		12,605		12,605		12,605						12,605
170	ITEMS LESS THAN $2.0M (OTH SPT EQ)												
171	IND/DEPOT MAINT EQUIP												
172	TRACTOR ACE		1,173		1,173		1,173						1,173
173	OPERATIONAL PROJECT STOCKS		14,372		26,772		14,372		12,400				14,372
	INFLATION ADJUSTMENT										-12,740		-12,740
	RAISE O&M PURCHASE THRESHOLD						-6,900		6,900				
	TOTAL OTHER PROCUREMENT ARMY		3,093,508		3,157,893		3,032,220		125,673		35,944		3,129,452

Defense communications satellite program

The amended budget request contained $112.4 million in the Army for the defense satellite communications system (DSCS).

The House bill would authorize $97.4 million, a reduction of $15.0 million from the request.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $104.2 million. The conferees share the concerns expressed in the Senate report (S. Rept. 102-352) on the Army's support for this important program.

Single channel objective tactical terminal

The amended budget request contained $24.4 million for procurement of single channel objective tactical terminals (SCOTT) by the Army. In the same line item, the request included $14.0 million for procurement of ground command post terminals for the Army.

The House bill would authorize $14.4 million for procurement of SCOTT terminals and the requested amount for command post terminals.

The Senate amendment would deny authorization of the SCOTT terminal procurement request because the requirement for these terminals has since been canceled. The Senate amendment would authorize the requested amount for command post terminals.

The House recedes. The conferees authorize $14.0 million for command post terminal procurement.

The amended budget request also contained $16.3 million for continued SCOTT RDT&E.

The House bill would authorize the requested amount.

The Senate amendment would authorize $11.3 million, a reduction of $5.0 million from the request.

The House recedes.

The Army has decided that only 10 development terminals are needed for testing purposes for the next-generation of terminals and that no SCOTT terminals are required for contingency deployment. The Army therefore requires only $9.1 million for SCOTT RDT&E in fiscal year 1992. In addition, the conferees agree with the Senate amendment that $7.8 million in prior year funds for Army satellite communications RDT&E is available and should be applied to fiscal year 1993 requirements. The conferees therefore authorize $1.3 million for SCOTT.

Integrated family of test equipment

The amended budget request contained $39.1 million to procure sets of test equipment under the integrated family of test equipment (IFTE) program.

The House bill would authorize $51.1 million.

The Senate amendment would authorize the requested amount.

The Senate recedes.

The conferees believe that the Army should continue to use the existing direct support electronic system test set (DSESTS) on all tracked combat vehicles, and that IFTE test equipment should be limited to aviation, missiles, and appropriate communication and intelligence equipment. The Army is directed to provide to the congressional defense committees a report indicating the planned use of IFTE and DSESTS.

AIRCRAFT PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $6,653.7 million for Aircraft Procurement, Navy. The House bill would authorize $6,352.2 million. The Senate amendment would authorize $5,950.5 million. The conferees recommend authorization of $5,899.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, NAVY												
1	A-12/AX												
2	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER	3	482,690	3	482,690	6	532,690	-3	-50,000			3	482,690
3	EA-6B ADVANCE PROCUREMENT (CY)		47,323		47,323		47,323						47,323
4	AV-8B (V/STOL)HARRIER												
5	AV-8B ADVANCE PROCUREMENT (CY)												
6	F-14A/D (FIGHTER) TOMCAT		143,147		143,147		143,147						143,147
7	F/A-18 (FIGHTER) HORNET	48	1,658,301	48	1,658,301	24	1,078,301	24	580,000	-12	-512,701	36	1,145,600
8	F/A-18 ADVANCE PROCUREMENT (CY)		150,294		150,294		92,594		57,700		-37,594		112,700
9	CH/MH-53E (HELICOPTER) SUPER STALLION	20	464,433	16	394,433	20	453,433	-4	-59,000		-11,600	20	452,833
10	CH/MH-53 ADVANCE PROCUREMENT (CY)		48,618				48,618		-48,618				48,618
11	AH-1W (HELICOPTER) SEA COBRA	12	123,931	12	123,931	12	123,931					12	123,931
12	SH-60B (ASW HELICOPTER) SEAHAWK	12	216,920	12	216,920	12	216,920					12	216,920
13	SH-60B ADVANCE PROCUREMENT (CY)		45,858		33,858		45,858		-12,000		-12,000		33,858
14	SH-60F CV (ASW HELICOPTER)	12	221,335	12	221,335	12	189,335		32,000		-32,000	12	189,335
15	SH-60F ADVANCE PROCUREMENT (CY)		40,151		40,151		40,151						40,151
16	E-2C (EARLY WARNING) HAWKEYE		96,153		96,153		96,153						96,153
17	E-2C ADVANCE PROCUREMENT (CY)												
18	T-45TS (TRAINER) GOSHAWK	12	255,749	12	255,749	12	255,749					12	255,749
19	T-45 ADVANCE PROCUREMENT (CY)		47,725		47,725		47,725						47,725
20	HH-60H (HELICOPTER)	7	117,398	7	117,398	7	117,398					7	117,398
21	HH-60H MADVANCE PROCUREMENT (CY)												
22	CANCELLED ACCOUNT ADJUSTMENTS												
	MODIFICATION OF AIRCRAFT												
23	A-3 SERIES												
24	A-4 SERIES												
25	A-6 SERIES		156,598		156,598		156,598						156,598
26	EA-6 SERIES		56,092		56,092		56,092						56,092
27	A-7 SERIES												
28	AV-8 SERIES		11,374		11,374		11,374						11,374
29	F-4 SERIES												
30	RF-4 SERIES												
31	F-14 SERIES		25,555		25,555		25,555						25,555
32	ADVERSARY		196		196		196						196

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	ES-3 SERIES		5,746		5,746		5,746						5,746
34	OV-10 SERIES		3,800		3,800		3,800						3,800
35	F-18 SERIES		30,021		30,021		30,021						30,021
36	H-46 SERIES		131,165		21,165		131,165		-110,000				131,165
37	H-53 SERIES		43,829		43,829		43,829						43,829
38	SH-60 SERIES		35,151		35,151		35,151						35,151
39	VH-60 SERIES												
40	H-1 SERIES		68,413		68,413		68,413						68,413
41	H-2 SERIES		32,713		32,713		32,713						32,713
42	H-3 SERIES		2,843		2,843		2,843						2,843
43	EP-3 SERIES		32,962								-32,962		
44	P-3 SERIES		49,904		49,904		49,904						49,904
45	S-3 SERIES		17,427		17,427		17,427						17,427
46	E-2 SERIES		94,108		94,108		94,108						94,108
47	TRAINER A/C SERIES		1,829		1,829		1,829						1,829
48	C-130 SERIES		10,817		10,817		10,817						10,817
49	FEWSG		6,729		6,729		6,729						6,729
50	CARGO/TRANSPORT A/C SERIES		1,656		1,656		1,656						1,656
51	E-6 SERIES		28,475		28,475		28,475						28,475
52	EXECUTIVE HELICOPTERS SERIES		27,932				27,932		-27,932				27,932
53	VARIOUS		98		98		98						98
54	POWER PLANT CHANGES		26,326		26,326		26,326						26,326
55	MISC FLIGHT SAFETY CHANGES		167		167		167						167
56	COMMON ECM EQUIPMENT		107,364		107,364		107,364						107,364
57	COMMON AVIONICS CHANGES		23,013		23,013		23,013						23,013
58	APN SPARES AND REPAIR PARTS		835,549		835,549		796,009		39,540		-59,540		776,009
59	COMMON GROUND EQUIPMENT		453,362		453,362		453,362						453,362
60	AIRCRAFT INDUSTRIAL FACILITIES		30,552		30,552		30,552						30,552
61	WAR CONSUMABLES		15,195		15,195		15,195						15,195
62	OTHER PRODUCTION CHARGES		83,129		83,129		83,129						83,129
63	SPECIAL SUPPORT EQUIPMENT		37,587		37,587		37,587						37,587
	AVIATION NIGHT VISION DEVICES												
	GENERAL REDUCTION INT CONTRACT SUPP												
64	FIRST DESTINATION TRANSPORTATION		5,976		5,976		5,976						5,976

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	ASPJ										-55,887		-55,887
	TOTAL AIRCRAFT PROCUREMENT NAVY		6,653,679		6,352,167		5,950,477		401,690		-754,284		5,899,395

Standoff jammers

The amended budget request contained $482.7 million to remanufacture three EA-6B electronic welfare aircraft into the advanced capability configuration, and $47.3 million in advance procurement for three aircraft in fiscal year 1994.

The budget request also contained $59.6 million in research and development and $8.9 million in procurement to continue to upgrade EF-111 electronic warfare aircraft operated by the Air Force.

The House bill would authorize both programs at the requested levels.

Concluding this represented an opportunity for consolidating parallel roles and missions, the Senate amendment would direct the Defense Department to consolidate all standoff jamming efforts with the EA-6B program, and would direct the Air Force to stop further upgrades to the EF-111 and to deactivate its EF-111 squadrons. The Senate amendment would authorize the budget request for procurement of EA-6B aircraft in fiscal year 1993, add $50.0 million to double the advance procurement to accelerate the modification program, and eliminate research and development funds to upgrade the EF-111.

The Senate recedes.

The conferees recommend an authorization of the funds for the EF-111 as requested in the budget request. But the conferees also recommend a provision that would prohibit the obligation of 35 percent of those funds until two conditions are met: first, the roles and missions study by the Chairman of the Joint Chiefs of Staff has been submitted to the Congress; and second, the Secretary of the Air Force certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to operate, maintain, and upgrade the EF-111 fleet if the roles and missions study determines it is needed in the future.

F-18C/D

The amended budget request contained $1,658.3 million to procure 48 F-18C/D aircraft and $150.3 million for advance procurement of 48 aircraft in fiscal year 1994.

The House bill would authorize the funds as requested.

The Senate amendment would authorize $1,078.3 million for 24 aircraft in fiscal year 1993 and $92.6 million for advance procurement of 24 aircraft in fiscal year 1994.

The conferees recommend an authorization of $1,145.6 million for 36 aircraft in fiscal year 1993 and $112.7 million for advance procurement of 36 aircraft in fiscal year 1994.

CH/MH-53 helicopter (Super Stallion)

The amended budget request included $464.4 million for 20 CH/MH-53 helicopters and $48.6 million for advance procurement to support fiscal year 1994 procurement of these helicopters. The 20 helicopters included 16 CH-53 and four MH-53 mine countermeasures helicopters.

The House bill would provide $394.4 million for eight CH-53 and eight MH-53 helicopters. The House bill would deny all advance procurement funds.

The Senate amendment would reduce the requested amount by $11.0 million to reflect a pricing adjustment.

The House recedes. The conferees direct the Secretary of the Navy to use the authorized funds to buy eight MH-53 helicopters.

WEAPONS PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,719.0 million for Weapons Procurement, Navy. The House bill would authorize $3,729.0 million. The Senate amendment would authorize $3,538.9 million. The conferees recommend authorization of $3,700.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	WEAPONS PROCUREMENT, NAVY												
	BALLISTIC MISSILES												
1	TRIDENT I		1,118		1,118		1,118						1,118
2	TRIDENT II	21	763,802	21	763,802	21	763,802					21	763,802
3	TRIDENT II ADVANCE PROCUREMENT (CY)		223,000		223,000		223,000						223,000
4	MISSILE INDUSTRIAL FACILITIES		1,549		1,549		1,549						1,549
	OTHER MISSILES												
5	TOMAHAWK	200	404,194	200	404,194	100	229,194	100	175,000			200	404,194
6	AMRAAM	140	137,478	140	137,478	140	122,778		14,700		-14,700	140	122,778
7	HARPOON/ SLAM						90,000		-90,000		90,000		90,000
8	HARM		31,654		31,654		31,654						31,654
9	STANDARD MISSILE	330	256,783	330	256,783	330	256,783					330	256,783
10	RAM		8,315		8,315		8,315						8,315
11	HELLFIRE	1,000	50,479	1,000	50,479	1,000	50,479					1,000	50,479
12	PENGUIN												
13	MAVERICK MISSILE												
14	TOW IIA	938	23,850	938	23,850	938	23,850					938	23,850
15	AERIAL TARGETS		170,199		170,199		162,199		8,000		-8,000		162,199
16	DRONES AND DECOYS				10,000				10,000		10,000		10,000
17	OTHER MISSILE SUPPORT		11,011		11,011		11,011						11,011
	MODIFICATION OF MISSILES												
18	TOMAHAWK MODS		45,380		45,380		45,380						45,380
19	SPARROW MODS		56,853		56,853		56,853						56,853
20	SIDEWINDER MODS		15,304		15,304		15,304						15,304
21	PHOENIX MODS		9,163		9,163		9,163						9,163
22	HARPOON MODS		33,850		33,850		33,850						33,850
23	HARM MODS												
24	STANDARD MISSILES MODS		27,464		27,464		27,464						27,464
25	WEAPONS INDUSTRIAL FACILITIES		28,971		28,971		41,471		-12,500		12,500		41,471
26	FLEET SATELLITE COMMUNICATIONS (MYP)	1	325,983	1	325,983	1	220,983		105,000		-62,100	1	263,883
27	ARCTIC SATELLITE COMMUNICATIONS		17,507		17,507		7,507		10,000		-8,407		9,100
28	ORDNANCE SUPPORT EQUIPMENT		77,169		77,169		119,169		-42,000		-20,000		57,169
	TORPEDOES AND RELATED EQUIPMENT												
29	MK-48 ADCAP TORPEDO (MYP)	108	188,580	108	188,580	108	188,580					108	188,580

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
30	MK-48 ADVANCE PROCUREMENT (CY)												
31	MK-50 ALWT	212	243,491	212	243,491	212	243,491					212	243,491
32	ASW TARGETS		26,179		26,179		26,179						26,179
33	ASROC		2,107		2,107		2,107						2,107
34	VERTICAL LAUNCHED ASROC (VLA)		38,040		38,040		38,040						38,040
	VERTICAL LAUNCHED ASROC ADV PROC												
35	MK-46 TORPEDO MODS		48,573		48,573		48,573						48,573
36	QUICKSTRIKE MINE		8,801		8,801		2,801		6,000		-6,000		2,801
37	MK-60 CAPTOR MODS		1,295		1,295		1,295						1,295
38	TORPEDO SUPPORT EQUIPMENT		43,526		43,526		43,526						43,526
39	ASW RANGE SUPPORT		26,968		26,968		26,968						26,968
40	FIRST DESTINATION TRANSPORTATION		8,913		8,913		8,913						8,913
	OTHER WEAPONS												
41	MK-15 PHALANX CIWS												
42	MK-19 40MM MACHINE GUN												
43	MK-38 25MM GUN MOUNT												
44	SMALL ARMS AND WEAPONS		24,181		24,181		24,181						24,181
45	CIWS MODS		58,527		58,527		58,527						58,527
46	5/54 GUN MOUNT MODS		11,087		11,087		11,087						11,087
47	3/50 GUN MOUNT MODS												
48	MK-75 76MM GUN MOUNT MODS		7,889		7,889		7,889						7,889
49	MODS UNDER $2 MILLION		1,232		1,232		1,232						1,232
50	GUN SUPPORT EQUIPMENT												
	OTHER ORDNANCE												
51	GENERAL PURPOSE BOMBS		3,611		3,611		3,611						3,611
	GENERAL PURPOSE BOMBS PY SAVINGS						-10,600		10,600		-10,600		-10,600
52	2.75 INCH ROCKETS		15,011		15,011		15,011						15,011
53	MACHINE GUN AMMUNITION		1,003		1,003		1,003						1,003
54	PRACTICE BOMBS		5,441		5,441		5,441						5,441
55	GATOR		18,812		18,812		18,812						18,812
56	3 INCH/50 GUN AMMUNITION												
57	5 INCH/38 GUN AMMUNITION												
58	5 INCH/54 GUN AMMUNITION		68,481		68,481		68,481						68,481
59	CIWS AMMUNITION		917		917		10,000		-9,083		9,083		10,000

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
60	76MM GUN AMMUNITION		10,734		10,734		10,734				-1,972		8,762
61	OTHER SHIP GUN AMMUNITION		25,477		25,477		25,477				-4,371		21,106
62	SMALL ARMS & LANDING PARTY AMMUNITION		3,409		3,409		3,409						3,409
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT. CONTRACT SUPP												
63	PYROTECHNIC AND DEMOLITION		19,917		19,917		19,917						19,917
	SPARES AND REPAIR PARTS												
64	WPN SPARES AND REPAIR PARTS		85,672		85,672		81,387		4,285		-4,285		81,387
	TOTAL WEAPONS PROCUREMENT NAVY		3,718,950		3,728,950		3,538,948		190,002		-18,852		3,700,098

Tomahawk missile

The amended budget request included $404.2 million to purchase 200 new Tomahawk missiles and remanufacture older Tomahawk missiles into new configurations.

The House bill would authorize the requested amount.

The Senate amendment would authorize $229.2 million and 100 new missiles. The Senate report (S. Rept. 102-352) directed the Navy to select a single prime contracting source to support the Tomahawk program. This direction was intended to protect the industrial base longer and hedge against the possibility that the Navy may want to buy more Tomahawk missiles in the future after a thorough review of roles and missions.

The Senate recedes. The Navy has informed the conferees that the Navy intends to select a single prime contractor during fiscal year 1994, but doing so sooner could cause a break in the production line.

The conferees direct the Navy to solicit the maximum number of fixed price options possible for use in evaluating the contractor's offers for the fiscal year 1994 and later procurement quantities. This would help protect the government's interests in later years with only one source producing the missile.

Fleet satellite communications

The amended budget request contained $326.0 million for procurement of the tenth ultra high frequency follow-on (UFO) satellite, launch services, extremely high frequency (EHF) communications packages, engineering support, and a third leased ultra high frequency (UHF) satellite.

The House bill would authorize the requested amount.

The Senate amendment would authorize $221.0 million, a reduction of $105.0 million. The Senate amendment would deny authorization of the 10th UFO satellite and delay the launch of the first three UFO satellites.

The Senate recedes. The conferees direct the Navy to negotiate options to the existing launch services contract for the UFO program to achieve greater flexibility in the launch schedule. This flexibility could enable the Navy to delay replacement of existing, healthy UHF satellites and thereby extend the life of the new UFO constellation. The Navy reports that this flexibility can be obtained for $3.0 million in non-recurring costs and a small increase in cost for each delayed launch. The conferees agree also that procuring the tenth UFO satellite under the favorable terms of the current multiyear contract would enable the Navy to extend the life of the UFO constellation further at little cost. However, funding is not likely to be available. The conferees therefore agree to deny authorization of the tenth satellite and associated launch services. The conferees direct the Navy to reprogram an additional $3.0 million for the non-recurring cost of additional launch schedule flexibility. Therefore, the conferees authorize a total amount of $263.9 million.

Arctic satellite communications

The amended budget request contained $17.5 million for procurement of arctic satellite communications.

The House bill would authorize the requested amount.

The Senate amendment would authorize $7.5 million.

The House recedes. The conferees agree that $8.4 million is excess to program needs and agree to authorize $9.1 million. The Navy now intends to place this communications system on an existing host satellite.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,319.5 million for Shipbuilding and Conversion, Navy. The House bill would authorize $6,590.9 million. The Senate amendment would authorize $5,526.5 million. The conferees recommend authorization of $5,958.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	SHIPBUILDING & CONVERSION, NAVY												
1	TRIDENT (NUCLEAR)												
2	CARRIER REPLACEMENT PROGRAM		832,200		832,200		350,000		482,200				832,200
3	SSN-21												
4	SSN-21 ADVANCE PROCUREMENT (CY)												
5	CV SLEP												
6	CVN REFUELING OVERHAULS		6,800		6,800		6,800						6,800
7	CGN REFUELING OVERHAULS		30,439		30,439		30,439						30,439
8	DDG-51	4	3,346,543	4	3,346,543	4	3,346,543				-50,000	4	3,296,543
9	DDG-51 ADVANCE PROCUREMENT (CY)		23,100		23,100		23,100						23,100
10	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)				70,000	1	1,205,000	-1	-1,135,000	1	1,205,000	1	1,205,000
11	LSD-41 (CARGO VARIANT)												
12	LSD-41 ADV PROC (CY) PY SAVINGS						-25,000		25,000				
13	MHC MINE HUNTER COASTAL	2	246,205	2	246,205	2	246,205					2	246,205
14	TAGOS SURTASS SHIPS PY SAVINGS						-148,509		148,509		-148,509		-148,509
15	AOE PRIOR YEAR SAVINGS						-200,000		200,000				
15a	SEALIFT				1,201,400		225,000		976,400				
16	OCEANOGRAPHIC SHIP CONVERSION PROGRAM	1	19,500	1	19,500	1	19,500					1	19,500
17	OCEANOGRAPHIC SHIPS												
18	SERVICE CRAFT		200,228		200,228		126,028		74,200		-74,200		126,028
19	LANDING CRAFT												
20	LCAC LANDING CRAFT PY SAVINGS					-12	-238,100	12	238,100		-238,100		-238,100
21	LCAC ADVANCE PROCUREMENT (CY)												
22	OUTFITTING		385,321		385,321		385,321						385,321
23	POST DELIVERY		223,105		223,105		223,105						223,105
24	ESCALATION ON PRIOR YEAR PROGRAM												
25	PY AOE/TAGS PROGRAM COMPLETION						-55,000		55,000		-55,000		-55,000
26	FIRST DESTINATION TRANSPORTATION		6,031		6,031		6,031						6,031
	TOTAL SHIPBUILDING		5,319,472		6,590,872		5,526,463		1,064,409		639,191		5,958,663

Carrier replacement program

The amended budget request included $832.2 million in fiscal year 1993 for procurement of long-lead components for a replacement aircraft carrier, CVN-76, and projected full funding of the ship in fiscal year 1995.

The House bill would authorize the long-lead funds of $832.2 million in fiscal year 1993 for full funding of the ship in fiscal year 1995.

The Senate amendment would authorize $350 million for fiscal year 1993 and $482.2 million for fiscal year 1994 for long-lead components for a replacement aircraft carrier. The Senate report (S. Rept. 102-352) recommended full funding of the ship in fiscal year 1996.

The Senate recedes to the House position on long-lead for fiscal year 1993.

OTHER PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,868.8 million for Other Procurement, Navy. The House bill would authorize $5,758.9 million. The Senate amendment would authorize $5,722.3 million. The conferees recommend authorization of $5,660.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, NAVY												
	SHIPS SUPPORT EQUIPMENT												
1	LM-2500 GAS TURBINE		12,622		12,622		12,622						12,622
2	ALLISON 501K GAS TURBINE	2	4,460	2	4,460	2	4,460					2	4,460
3	STEAM PROPULSION IMPROVEMENT		3,545		3,545		3,545						3,545
4	OTHER PROPULSION EQUIPMENT		11,843		11,843		11,843						11,843
5	OTHER GENERATORS		26,978		26,978		26,978						26,978
6	OTHER PUMPS		7,285		7,285		7,285						7,285
7	HIGH PRESSURE AIR COMPRESSORS		5,843		5,843		5,843						5,843
8	SUBMARINE PROPELLERS	4	3,640	4	3,640	4	3,640					4	3,640
9	OTHER PROPELLERS AND SHAFTS		3,943		3,943		3,943						3,943
10	ELEC SUSPENDED GYRO NAVIGATOR		1,452		1,452		1,452						1,452
11	OTHER NAVIGATION EQUIPMENT		9,862		9,862		9,862						9,862
12	UNDERWAY REPLENISHMENT EQUIPMENT		34,965		34,965		34,965						34,965
13	TYPE 18 PERISCOPES		10,138		10,138		10,138						10,138
14	PERISCOPES AND ACCESSORIES		2,263		2,263		2,263						2,263
15	FIREFIGHTING EQUIPMENT		28,901		28,901		28,901						28,901
16	COMMAND AND CONTROL SWITCHBOARD		3,736		3,736		3,736						3,736
17	POLLUTION CONTROL EQUIPMENT		35,140		35,140		35,140						35,140
18	SUBMARINE SILENCING EQUIPMENT		21,594		21,594		21,594						21,594
19	SURFACE SHIP SILENCING EQUIPMENT		11,676		11,676		11,676						11,676
20	SUBMARINE BATTERIES	30	9,826	30	9,826	30	9,826					30	9,826
21	STRATEGIC PLATFORM SUPPORT EQUIP		36,093		36,093		36,093						36,093
22	DSSP EQUIPMENT		4,792		4,792		4,792						4,792
23	SEALIFT SUPPORT EQUIPMENT												
24	AIR CONDITIONERS												
25	MINESWEEPING EQUIPMENT		3,087		3,087		3,087						3,087
26	HM&E ITEMS UNDER $2 MILLION		42,273		42,273		42,273						42,273
27	SURFACE IMA		11,257		11,257		11,257						11,257
28	DEGAUSSING EQUIPMENT		1,285		1,285		1,285						1,285
29	RADIOLOGICAL CONTROLS		508		508		508						508
30	MINI/MICROMINI ELECTRONIC REPAIR		1,274		1,274		1,274						1,274
31	CHEMICAL WARFARE DETECTORS	774	8,432	774	8,432	774	8,432					774	8,432
32	SUBMARINE LIFE SUPPORT SYSTEM	7	17,898	7	17,898	7	17,898					7	17,898

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33	REACTOR POWER UNITS												
34	REACTOR COMPONENTS		285,645		285,645		285,645						285,645
35	DIVING AND SALVAGE EQUIPMENT		8,277		8,277		8,277						8,277
36	NAVAL SPECIAL WARFARE EQUIPMENT		5,426		5,426		5,426						5,426
37	STANDARD BOATS	109	18,225	109	18,225	109	23,225		-5,000		5,000	109	23,225
38	OTHER SHIPS TRAINING EQUIPMENT		1,262		1,262		1,262						1,262
39	PRODUCTION SUPPORT FACILITIES		13,872		13,872		13,872						13,872
40	OPERATING FORCES IPE		10,156		10,156		10,156						10,156
41	NUCLEAR ALTERATIONS		139,459		139,459		139,459						139,459
42	MODERNIZATION SUPPORT		533,590		533,590		533,590						533,590
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
43	AN/SPS-40		17,983		17,983		17,983						17,983
44	AN/SPS-48		9,927		9,927		9,927						9,927
45	AN/SPS-49		20,462		20,462		20,462						20,462
46	AN/SYS-()		3,562		3,562		3,562						3,562
47	MK-23 TARGET ACQUISITION SYSTEM	2	19,038	2	19,038	2	19,038					2	19,038
48	RADAR SUPPORT		7,257		7,257		7,257						7,257
49	SURFACE SONAR SUPPORT EQUIPMENT		22,310		22,310		22,310						22,310
50	AN/SQQ-89 SURF ASW COMBAT SYSTEM		155,278		155,278		155,278						155,278
51	AN/BQQ-5		179,857		179,857		179,857						179,857
52	SURFACE SONAR WINDOWS AND DOME		12,413		12,413		12,413						12,413
53	SONAR SUPPORT EQUIPMENT		11,512		11,512		11,512						11,512
54	SONAR SWITCHES AND TRANSDUCERS		33,090		33,090		33,090						33,090
55	FBM SYSTEM SONARS		2,304		2,304		2,304						2,304
56	SUBMARINE ACOUSTIC WARFARE SYSTEM		16,358		16,358		16,358						16,358
57	SSTD		46,313		46,313		46,313						46,313
58	ACOUSTIC COMMUNICATIONS		227		227		227						227
59	SUBMARINE ADVANCED COMBAT SYSTEM		29,900		29,900		29,900						29,900
60	SOSUS		87,033		87,033		76,133		10,900				87,033
61	LAMPS MK I ASW SUPPORT												
62	AN/SQR-18 TOWED ARRAY SONAR												
63	AN/SQR-15 TOWED ARRAY SONAR												
64	SURTASS		30,187		30,187		30,187						30,187
65	ASW OPERATIONS CENTER		19,536		19,536		19,536						19,536

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66	CARRIER ASW MODULE		5,990		5,990		5,990						5,990
67	AN/SLQ-32		126,912		126,912		126,912						126,912
68	AN/SSQ-95												
69	AN/WLR-1												
70	AN/WLR-8		14,908		14,908		14,908						14,908
71	ICAD SYSTEMS		2,400		2,400		2,400						2,400
72	EW SUPPORT EQUIPMENT		6,728		6,728		6,728						6,728
73	C-3 COUNTERMEASURES		32,019		32,019		32,019						32,019
74	COMBAT DF		10,263		10,263		10,263						10,263
75	OUTBOARD		8,571		8,571		8,571						8,571
76	NAVAL INTELL PROCESSING SYSTEM		9,519		9,519		9,519						9,519
77	AN/WLQ-4 DEPOT		2,219		2,219		2,219						2,219
78	AN/WLQ-4 IMPROVEMENTS		18,878		18,878		18,878						18,878
79	AN/BLD-1 (INTERFEROMETER)												
80	SUBMARINE SUPPORT EQUIPMENT PROG		4,500		4,500		4,500						4,500
81	NAVY TACTICAL DATA SYSTEM		54,008		54,008		54,008						54,008
82	TACTICAL FLAG COMMAND CENTER		39,828		39,828		39,828						39,828
83	LINK 16 HARDWARE		42,984		42,984		42,984						42,984
84	MINESWEEPING SYSTEM REPLACEMENT		21,551		21,551		21,551						21,551
85	EMSP (MYP)		62,888		62,888		62,888						62,888
86	NAVSTAR GPS RECEIVERS	588	13,216	588	13,216	588	13,216					588	13,216
87	HF LINK-11 DATA TERMINALS		1,343		1,343		1,343						1,343
88	ARMED FORCES RADIO AND TV		6,817		6,817		6,817						6,817
89	STRATEGIC PLATFORM SUPPORT EQUIP		130,990		130,990		130,990						130,990
90	OTHER TRAINING EQUIPMENT		8,700		8,700		8,700						8,700
91	MATCALS		3,684		3,684		3,684						3,684
92	SHIPBOARD AIR TRAFFIC CONTROL		8,356		8,356		8,356						8,356
93	AUTOMATIC CARRIER LANDING SYSTEM		15,133		15,133		15,133						15,133
94	TACAN		1,948		1,948		1,948						1,948
95	AIR STATION SUPPORT EQUIPMENT		15,505		15,505		15,505						15,505
96	MICROWAVE LANDING SYSTEM		339		339		339						339
97	FACSFAC		12,256		12,256		12,256						12,256
98	ID SYSTEMS		8,742		8,742		8,742						8,742
99	TADIX-B		8,461		8,461		8,461						8,461

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100	NAVAL SPACE SURVEILLANCE SYSTEM		97		97		97						97
101	SPACE SYSTEM PROCESSING		4,387		4,387		4,387						4,387
102	NCCS ASHORE		47,199		47,199		47,199						47,199
103	RADIAC		7,441		7,441		7,441						7,441
104	OVER THE HORIZON RADAR		2,771		2,771		2,771						2,771
105	GPETE		22,860		22,860		22,860						22,860
106	INTEG COMBAT SYSTEM TEST FACILITY		4,800		4,800		4,800						4,800
107	CALIBRATION STANDARDS		8,228		8,228		8,228						8,228
108	EMI CONTROL INSTRUMENTATION		11,672		11,672		11,672						11,672
109	SHORE ELEC ITEMS UNDER $2 MILLION		10,875		10,875		10,875						10,875
110	SHIPBOARD TACTICAL COMMUNICATIONS		82,663		82,663		82,663						82,663
111	FLIGHT DECK COMMUNICATIONS		3,389		3,389		3,389						3,389
112	PORTABLE RADIOS		22,555		22,555		22,555						22,555
113	SHIP COMMUNICATIONS AUTOMATION		42,042		42,042		42,042						42,042
114	SHIP COMM ITEMS UNDER $2 MILLION		28,722		28,722		28,722						28,722
115	SHORE LF/VLF COMMUNICATIONS		3,963		3,963		3,963						3,963
116	VERDIN		4,657		4,657		4,657						4,657
117	SUBMARINE COMMUNICATION EQUIPMENT		7,427		7,427		7,427						7,427
118	SATCOM SHIP TERMINALS		193,607		193,607		180,107		13,500		-13,500		180,107
119	SATCOM SHORE TERMINALS		15,495		15,495		15,495						15,495
120	JCS COMMUNICATIONS EQUIPMENT		2,347		2,347		2,347						2,347
121	ELECTRICAL POWER SYSTEMS		638		638		638						638
122	SHORE HF COMMUNICATIONS		16,751		16,751		16,751						16,751
123	DCS TECH CONTROL IMPROVEMENTS		2,841		2,841		2,841						2,841
124	VOICE FREQ CARRIER TELEGRAPH												
125	WWMCCS COMMUNICATIONS EQUIPMENT		6,278		6,278		6,278						6,278
126	SHORE COMMUNICATIONS AUTOMATION		7,797		7,797		7,797						7,797
127	SHORE COMM ITEMS UNDER $2 MILLION		573		573		573						573
128	STU-III												
129	SECURE VOICE SYSTEM		76,956		76,956		76,956						76,956
130	SECURE DATA SYSTEM		33,876		33,876		33,876						33,876
131	TSEC/KG-84												
132	TSEC/KY-57/58 (VINSON)												
133	TSEC/KYV-5 (ANDVT)												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
134	ISEC/KG-81 (WALBURN)												
135	ISEC/KGR-96 (IISS)												
136	BLACKER CRYPTO												
137	TRITAC CRYPTO												
138	ISEC/KGV-11												
139	KEY MANAGEMENT SYSTEMS		9,778		9,778		9,778						9,778
140	SIGNAL SECURITY		423		423		423						423
141	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		2,648		2,648		2,648						2,648
142	ISEC/KGV-8												
143	CRYPTOLOGIC COMMUNICATIONS EQUIP		2,933		2,933		2,933						2,933
144	CRYPTOLOGIC ITEMS UNDER $2 MILLION		1,662		1,662		1,662						1,662
145	CRYPTOLOGIC RESERVES EQUIPMENT		1,509		1,509		1,509						1,509
146	CRYPTOLOGIC FIELD TRAINING EQUIP		574		574		574						574
147	SHORE CRYPTOLOGIC SUPPORT SYSTEM		778		778		778						778
148	WAR RESERVE												
149	ELECT ENGINEERED MAINTENANCE		8,147		8,147		8,147						8,147
150	OTHER DRUG INTERDICTION SUPPORT												
	AVIATION SUPPORT EQUIPMENT												
151	SONOBUOYS		74,002		74,002		74,002						74,002
152	AN/SSQ-36 (BT)												
153	AN/SSQ-53 (DIFAR)												
154	AN/SSQ-62 (DICASS)												
155	SIGNAL, UNDERWATER SOUND (SUS)	8,513	1,792	8,513	1,792	8,513	1,792					8,513	1,792
156	CARTRIDGES & CART ACTUATED DEVELOP		20,989		20,989		20,189		800		-800		20,189
157	AIRCRAFT ESCAPE ROCKETS		5,648		5,648		5,648						5,648
158	AIR EXPENDABLE COUNTERMEASURES		63,773		63,773		61,173		2,600		-2,633		61,140
159	MARINE LOCATION MARKERS		5,911		5,911		5,911						5,911
160	DEFENSE NUCLEAR AGENCY MATERIAL		811		811		811						811
161	JATOS		8,971		8,971		3,071		5,900		-5,942		3,029
162	WEAPONS RANGE SUPPORT EQUIPMENT		51,454		51,454		51,454						51,454
163	EXPEDITIONARY AIRFIELDS		6,314		6,314		6,314						6,314
164	AIRCRAFT REARMING EQUIPMENT		13,266		13,266		13,266						13,266
165	CATAPULTS & ARRESTING GEAR		59,912		59,912		59,912						59,912
166	METEOROLOGICAL EQUIPMENT		31,762		31,762		31,762						31,762

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
167	OTHER PHOTOGRAPHIC EQUIPMENT		942		942		942						942
168	AVIATION LIFE SUPPORT		12,516		12,516		12,516						12,516
169	AIRBORNE MINE COUNTERMEASURES		11,038		11,038		11,038						11,038
170	LAMPS MK III SHIPBOARD EQUIPMENT		12,560		12,560		12,560						12,560
171	REWSON PHOTOGRAPHIC EQUIPMENT		1,567		1,567		1,567						1,567
172	STOCK SURVEILLANCE EQUIPMENT		2,194		2,194		2,194						2,194
173	OTHER AVIATION SUPPORT EQUIPMENT		15,432		15,432		15,432						15,432
	ORDNANCE SUPPORT EQUIPMENT												
174	GUN FIRE CONTROL EQUIPMENT		16,574		16,574		16,574						16,574
175	MK-92 FIRE CONTROL SYSTEM		22,964		22,964		22,964						22,964
176	HARPOON SUPPORT EQUIPMENT		37,555		37,555		37,555						37,555
177	TERRIER SUPPORT EQUIPMENT		20,558		20,558		20,558						20,558
178	TARTAR SUPPORT EQUIPMENT		33,280		33,280		33,280						33,280
179	POINT DEFENSE SUPPORT EQUIPMENT		17,255		17,255		17,255						17,255
180	AIRBORNE ECM/ECCM		1,193		1,193		1,193						1,193
181	AEGIS SUPPORT EQUIPMENT		154,317		154,317		154,317						154,317
182	SURFACE TOMAHAWK SUPPORT EQUIPMENT		47,784		47,784		47,784						47,784
183	SUBMARINE TOMAHAWK SUPPORT EQUIP		3,645		3,645		3,645						3,645
184	VERTICAL LAUNCH SYSTEMS	2	89,271	2	89,271	1	54,271	1	35,000			2	89,271
185	STRATEGIC PLATFORM SUPPORT EQUIP		14,766		14,766		14,766						14,766
186	STRATEGIC MISSILE SYSTEMS EQUIP		28,475		28,475		28,475						28,475
187	MK-117 FIRE CONTROL SYSTEM		65,066		65,066		65,066						65,066
188	SUBMARINE ASW SUPPORT EQUIPMENT		13,689		13,689		13,689						13,689
189	SURFACE ASW SUPPORT EQUIPMENT		15,005		15,005		15,005						15,005
190	ASW RANGE SUPPORT EQUIPMENT		14,491		14,491		14,491						14,491
191	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		12,264		12,264		12,264						12,264
192	UNMANNED SEABORNE TARGET		8,375		8,375		8,375						8,375
193	ANTI-SHIP MISSILE DECOY SYSTEM		3,177		3,177		3,177						3,177
194	CALIBRATION EQUIPMENT		1,122		1,122		1,122						1,122
195	STOCK SURVEILLANCE EQUIPMENT		2,254		2,254		2,254						2,254
196	OTHER ORDNANCE TRAINING EQUIPMENT		1,212		1,212		1,212						1,212
197	FLEET MINE SUPPORT EQUIPMENT		10,888		10,888		10,888						10,888
198	MINE NEUTRALIZATION DEVICES		3,074		3,074		3,074						3,074
199	DEFENSE NUCLEAR AGENCY MATERIAL		1,685		1,685		1,685						1,685

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
200	SHIP EXPENDABLE COUNTERMEASURE		45,246		45,246		45,246						45,246
	CIVIL ENGINEERING SUPPORT EQUIPMENT												
201	ARMORED SEDANS												
202	PASSENGER CARRYING VEHICLES	446	6,639	446	6,639	446	6,639					446	6,639
203	SPECIAL PURPOSE VEHICLES		13,018		13,018		13,018						13,018
204	GENERAL PURPOSE TRUCKS		15,569		15,569		15,569						15,569
205	TRAILERS/TRUCK TRACTORS		3,168		3,168		3,168						3,168
206	EARTH MOVING EQUIPMENT	69	4,759	69	4,759	69	4,759					69	4,759
207	CONSTRUCTION & MAINTENANCE EQUIP		7,428		7,428		7,428						7,428
208	FIRE FIGHTING EQUIPMENT	26	3,884	26	3,884	26	3,884					26	3,884
209	WEIGHT HANDLING EQUIPMENT	6	1,667	6	1,667	6	1,667					6	1,667
210	AMPHIBIOUS EQUIPMENT		1,714		1,714		1,714						1,714
211	COMBAT CONSTRUCTION SUPPORT EQUIP		3,059		3,059		3,059						3,059
212	MOBILE UTILITIES SUPPORT EQUIPMENT		1,810		1,810		1,810						1,810
213	COLLATERAL EQUIPMENT		2,017		2,017		2,017						2,017
214	OCEAN CONSTRUCTION EQUIPMENT		1,339		1,339		1,339						1,339
215	FLEET MOORINGS		4,053		4,053		4,053						4,053
216	POLLUTION CONTROL EQUIPMENT		11,311		11,311		11,311						11,311
	NATURAL GAS UTILIZATION EQUIPMENT												
217	OTHER CIVIL ENG SUPPORT EQUIPMENT		1,398		1,398		1,398						1,398
	SUPPLY SUPPORT EQUIPMENT												
218	FORKLIFT TRUCKS		9,882		9,882		9,882						9,882
219	OTHER MATERIALS HANDLING EQUIPMENT		3,629		3,629		3,629						3,629
220	AUTOMATED MATERIALS HANDLING SYS												
221	OTHER SUPPLY SUPPORT EQUIPMENT		3,604		3,604		3,604						3,604
222	POLLUTION CONTROL EQUIPMENT												
223	FIRST DESTINATION TRANSPORTATION		16,151		16,151		16,151						16,151
224	SPECIAL PURPOSE SUPPLY SYSTEMS		115,830		75,893		115,830		-39,937		-37,084		78,746
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT												
225	SURFACE SONAR TRAINERS		9,754		9,754		9,754						9,754
226	SUBMARINE SONAR TRAINERS												
227	SURFACE COMBAT SYSTEM TRAINERS												
228	SUBMARINE COMBAT SYSTEM TRAINERS		4,129		4,129		4,129						4,129
229	SHIP SYSTEM TRAINERS		22,277		22,277		22,277						22,277

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
230	TRAINING SUPPORT EQUIPMENT		3,299		3,299		3,299						3,299
231	TRAINING DEVICE MODIFICATIONS		51,084		51,084		51,084						51,084
232	COMMAND SUPPORT EQUIPMENT		24,150		24,150		24,150						24,150
233	EDUCATION SUPPORT EQUIPMENT		15,315		15,315		15,315						15,315
234	MEDICAL SUPPORT EQUIPMENT		203		203		203						203
235	INTELLIGENCE SUPPORT EQUIPMENT		64,276		64,276		51,476		12,800		-12,800		51,476
236	ITEMS UNDER $2 MILLION												
237	OPERATING FORCES SUPPORT EQUIPMENT		16,347		16,347		16,347						16,347
238	NAVAL RESERVE SUPPORT EQUIPMENT		2,902		2,902		2,902						2,902
239	ENVIRONMENTAL SUPPORT EQUIPMENT		23,241		23,241		23,241						23,241
240	PHYSICAL SECURITY EQUIPMENT		33,063		33,063		33,063						33,063
241	INDUSTRIAL DEPOT MAINTENANCE EQUIPMENT												
242	COMPUTER ACQUISITION PROGRAM		133,304		133,304		133,304						133,304
243	PRODUCTIVITY INVESTMENT (PIF)		47,995		47,995		47,995						47,995
	GENERAL REDUCTION, INT CONTRACT SUPP												
244	PROD ENHANCE INCENTIVE FUND (PEIF)		880		880		880						880
	SPARES AND REPAIR PARTS												
245	OPN SPARES AND REPAIR PARTS		580,541		580,541		551,511		29,030		-29,030		551,511
	RAISE O&M PURCHASE THRESHOLD						-41,000		41,000				
	OPN UNDISTRIBUTED REDUCTION				-70,000				-70,000		-70,000		-70,000
	INFLATION ADJUSTMENT										-41,340		-41,340
	TOTAL OTHER PROCUREMENT NAVY		5,868,813		5,758,876		5,722,283		36,593		-208,129		5,660,684

Vertical launch system

The amended budget request included $89.3 million for the vertical launch program.

The House bill would approve the requested amount.

The Senate amendment would authorize $54.3 million for the vertical launch system, based on information in the Navy's budget justification material that the Navy would not need one of the launchers to support the ship installation schedule.

The Senate recedes.

The Navy has informed the conferees that the budget justification material was erroneous. The Navy installed armored box launchers on some of the *Spruance* class destroyers, rather than installing the vertical launch system. The Navy has now apparently decided to backfit the vertical launch system on these destroyers as well. The justification material included no mention of this shift. The budget displays also included incorrect equipment delivery schedules. The conferees direct the Secretary of the Navy to ensure that future budget justification material better reflects the actual program being requested in the budget.

PROCUREMENT, MARINE CORPS

Overview

The amended budget request for fiscal year 1993 contained an authorization of $588.5 million for Procurement, Marine Corps. The House bill would authorize $931.2 million. The Senate amendment would authorize $690.1 million. The conferees recommend authorization of $729.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT, MARINE CORPS												
1	5.56 MM, ALL TYPES		14,766		14,766		13,166		1,600				14,766
2	7.62 MM, ALL TYPES		5,333		12,333		5,333		7,000		7,000		12,333
3	LINEAR CHARGES, ALL TYPES		6,685		6,685		1,231		5,454		-5,454		1,231
4	.50 CALIBER		5,990		5,990		5,990						5,990
5	40 MM, ALL TYPES		33,272		33,272		26,212		7,060		-7,060		26,212
6	60 MM ILLUM M721		1,617		1,617				1,617		-1,617		
7	60 MM SMOKE WP												
8	60 MM HE M888		4,599		4,599		4,599						4,599
9	81 MM HE		4,152		4,152		4,152						4,152
10	81 MM SMOKE SCREEN												
11	81 MM TP M879												
12	81MM ILLUMINATION (M853)												
13	CTG 105MM TPDS-T												
14	120MM HEAT MP-T M830												
15	120MM APFSDS-T M829E1												
16	120MM TPCSDS-T M865						4,000		-4,000		4,000		4,000
17	120 MM TP-T M831						6,000		-6,000		6,000		6,000
18	155MM HE ADAM												
19	155MM HE M107												
20	155MM HE DP ICM M483												
21	155MM CHG. PROP. RED BAG												
22	155MM M864 PROJ BASEBURNER					106	81,200	-106	-81,200	106	81,200	106	81,200
23	155MM CHARGE WHITE BAG												
24	155MM WP M110A1												
25	155MM CHARGE GREEN BAG												
26	FUZE, PD, M739A1												
27	FUZE PROXIMITY M732A2												
28	FUZE, ET, XM762												
29	FUZE, ET, XM767												
30	83 MM ROCKET HEAA (SMAW)		29,352		29,352		29,352						29,352
31	LIGHT ANTI-ARMOR WEAPON												
32	25MM HEI-T												
33	25MM, TP-T, M793		2,861		2,861		2,861						2,861

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
34	CTG 25MM HEI F/GAU 12												
35	CTG 25MM APDST												
36	9 MM ALL TYPES												
37	GRENADES, ALL TYPES		2,567		2,567		2,567						2,567
38	RKT MOTOR 5 IN		6,018		6,018				6,018		-6,018		
39	8 INCH AMMO, ALL TYPES												
40	AMMO MODERNIZATION		9,980		9,980		9,980						9,980
41	ITEMS LESS THAN $2 MIL		6,736		6,736		6,736						6,736
42	AAV7A1 PIP		16,610		16,610		16,610						16,610
42a	MLRS			42	254,700			42	254,700				
43	LIGHT ARMORED VEHICLE												
44	MODIFICATION KITS (TRKD VEH)		1,150		1,150		1,150						1,150
45	ITEMS UNDER $2M (TRKD VEH)		588		588		588						588
46	MOD KITS (ARTILLERY)		5,826		5,826		5,826						5,826
47	ITEMS UNDER $2M (ALL OTHER)		2,185		2,185		2,185						2,185
48	MACHINE GUN, 50 CAL M2												
49	M60E3 PIP												
50	MK-19 40MM MACHINE GUN												
51	HAWK												
52	HAWK MOD		23,974		23,974		23,974						23,974
53	STINGER (MYP)												
54	PEDESTAL MOUNTED STINGER (PMS) (MYP)	26	23,856	26	23,856	26	23,856					26	23,856
55	ADVANCE PROCUREMENT (CY)		4,257		4,257		4,257						4,257
56	TOW												
57	MODIFICATION KITS												
58	ITEMS LESS THAN $2 MILLION		588		588		588						588
59	MANPACK RADIOS AND EQUIP						3,000		-3,000		3,000		3,000
60	GPS	1,766	12,720	1,766	12,720	1,766	12,720					1,766	12,720
61	VEHICLE MTD RADIOS & EQUIP (MYP)		5,170		5,170		5,170						5,170
62	AN/GRC-XXXX	421	18,970	421	18,970	421	18,970					421	18,970
63	TSC-96 PIP FLEET SATCOM TERMINAL	5	1,957	5	1,957	5	1,957					5	1,957
64	UNIT LEVEL CIRCUIT SWITCH (ULCS)		7,088		7,088		7,088						7,088
65	TACT COMM CENTER EQUIP												
66	AN/PSG( ) DIGITAL COMM TERMINAL												

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67	OSCILLOSCOPE												
68	SWEEP GENERATOR												
69	SIGNAL GENERATOR	200	1,983	200	1,983	200	1,983					200	1,983
70	ELECTRONIC TEST EQUIP (TEL)		6,876		6,876		6,876						6,876
71	SINGLE CHAN GRD & AIR RADIO		59,837		59,837		59,837						59,837
72	MODIFICATION KITS (TEL)		3,930		3,930		3,930						3,930
73	ITEMS LESS THAN $2M (TEL)		2,402		2,402		2,402						2,402
74	POS LOCATING RPTG SYSTEM (PLRS)												
75	TACTICAL AIR OPER MODULE (TAOM)												
76	ADVANCED TACT AIR COMMAND CENTER	1	6,751		6,751	1	6,751	-1				1	6,751
77	MARINE TACTICAL C2		8,286		8,286		8,286						8,286
78	LEWDO												
79	METEOROLOGICAL SYSTEMS	14	5,965	14	5,965	14	5,965					14	5,965
80	INTELLIGENCE SUPPORT EQUIPMENT		18,387		41,387		28,387		13,000		22,000		40,387
81	MOD KITS (INTEL)		490		490		490						490
82	ITEMS LESS THAN $2M (INTELL)		797		797		797						797
83	ELECTRONIC TDME REPAIR FACILITY												
84	MECH TEST TMDE		868		868		868						868
85	ELECTRONIC TEST EQUIP												
86	THERMAL IMAGING EQUIPMENT												
87	NIGHT VISION EQUIPMENT		20,143		20,143		30,143		-10,000		10,000		30,143
88	ADP EQUIPMENT		16,308		16,308		16,308						16,308
89	TEST CALIB & MAINT SPT		944		944		944						944
90	MODIFICATION KITS (NONTEL)		3,681		3,681		3,681						3,681
91	ITEMS LESS THAN $2M (NONTEL)		1,564		1,564		1,564						1,564
92	COMMERCIAL PASSENGER VEHICLES	46	2,211	46	2,211	46	2,211					46	2,211
93	COMMERCIAL CARGO VEHICLES		8,816		8,816		8,816						8,816
94	5/4T TRUCK HMMWV (MYP)	1,612	47,257	1,612	47,257	1,612	47,257					1,612	47,257
95	M876 TRUCK,MAINT, TELEPHONE/UTILITY												
96	LOGISTICS VEHICLE SYSTEM				18,000				18,000		18,000		18,000
97	TRAILERS		3,096		3,096		3,096						3,096
98	MODIFICATION KITS		3,523		3,523		3,523						3,523
99	ITEMS LESS THAN $2 MIL		1,027		1,027		1,027						1,027
100	ENVIRONMENTAL CONTROL EQUIP ASSORT												

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101	ARMORED COMBAT EXCAVATOR (ACE)	41	28,011	91	68,011	41	28,011	50	40,000			41	28,011
102	AMPHIBIOUS ASSAULT FUEL SYSTEM												
103	TACTICAL FUEL SYSTEM (TFS) EQUIP		14,109		14,109		14,109						14,109
104	TOPOGRAPHIC/SURVEY EQUIPMENT		1,400		1,400		1,400						1,400
105	POWER EQUIPMENT ASSORTED		1,314		1,314		1,314						1,314
106	TRAY RATION HEATING SYSTEM	187	3,324	187	3,324	187	3,324					187	3,324
107	COMMAND SUPPORT EQUIPMENT		1,011		1,011		1,011						1,011
108	AMPHIBIOUS RAID EQUIPMENT		536		536		536						536
109	PRODUCTIVITY INVESTMENT		2,308		2,308		2,308						2,308
110	PHYSICAL SECURITY EQUIPMENT		1,431		1,431		1,431						1,431
111	GARRISON MOBILE ENGR EQUIP		2,991		2,991		2,991						2,991
112	WAREHOUSE MODERNIZATION		997		997		997						997
113	MATERIAL HANDLING EQUIP		2,199		2,199		2,199						2,199
114	FIRST DESTINATION TRANSPORTATION		3,841		3,841		3,841						3,841
115	LIGHTWEIGHT DECONTAMINATION SYSTEM	138	2,055	138	2,055	138	2,055					138	2,055
116	DRY CHEMICAL FIRE EXTINGUISHER												
117	TRAINING DEVICES		4,580		4,580		4,580						4,580
118	SHELTER FAMILY		411		411		411						411
119	CONTAINER FAMILY		2,802		2,802		2,802						2,802
120	MODIFICATION KITS												
121	NBC ALARM & DECONTAMINATION EQUIP												
122	CHEMICAL AGENT MONITOR	143	912	143	912	143	912					143	912
123	ITEMS LESS THAN $2 MIL		2,907		2,907		2,907						2,907
	MARINE ENHANCEMENT PROGRAM						11,500		-11,500		11,500		11,500
124	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMENT												
125	DRUG INTERDICTION												
126	MC SPARES AND REPAIR PARTS		27,398		27,398		26,028		1,370		-1,370		26,028
	RAISE O&M PURCHASE THRESHOLD						-1,000		1,000				
	AUTOMATIC BUILDING EQUIPMENT												
	TOTAL PROCUREMENT MARINE CORPS		588,546		931,246		690,127		241,119		141,181		729,727

Intelligence support equipment

The amended budget request included $18.4 million for the procurement of Marine Corps intelligence support equipment.

The House bill would provide an additional $23.0 million for procurement and $2.0 million for additional research and development of this equipment.

The Senate amendment would provide an additional $10.0 million to accelerate procurement of commanders' tactical terminals and $3.0 million for development and evaluation of a system, called "Trojan Spirit," for disseminating tactical intelligence information.

The conferees agree to provide an additional $25.0 million in Marine Corps intelligence support programs as follows:

$3.0 million in research and development for Trojan Spirit;

$10.0 million to contribute to the Army's program to accelerate the product improvement and procurement of three channel commanders' tactical terminals;

$3.3 million to accelerate procurement of secondary imagery dissemination systems;

$4.3 million to accelerate procurement of intelligence analysis systems;

$1.5 million for portable communications devices capable of handling special compartmented information; and

$2.9 million to purchase commercial, off-the-shelf topographic and Landsat processing systems.

The conferees endorse the requirement in the Senate report (S. Rept. 102-352) that:

the Marine Corps develop a coherent, comprehensive roadmap for improving its intelligence capabilities;

the Commandant of the Marine Corps submit a roadmap to the congressional defense committees by March 1, 1993; and

the Commandant submit the roadmap to the Director of the Defense Intelligence Agency and the Assistant Secretary of Defense (C^3I) for review and approval.

The conferees are also concerned about the diversion of funds in future budgets described in the Senate report. The conferees direct the Commandant to report to the congressional defense committees on the reasons for the Marine Corps' actions.

AIRCRAFT PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $10,928.7 million for Aircraft Procurement, Air Force. The House bill would authorize $10,144.8 million. The Senate amendment would authorize $9,275.0 million. The conferees recommend authorization of $10,034.3 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, AIR FORCE												
1	B-1B (MYP)		214,897		214,897		50,000		164,897		-47,497		167,400
2	B-2A (MYP)	4	2,686,572	4	2,686,572	4	2,686,572					4	2,686,572
3	B-2 ADVANCE PROCUREMENT (CY)												
4	F-15 E		11,484		11,484		11,484						11,484
5	F-16 C/D (MYP)	24	683,230	24	614,830		75,000	24	539,830			24	683,230
6	F-16 ADVANCE PROCUREMENT (CY)				68,400				68,400				
7	C-17 (MYP)	8	2,513,935	6	1,905,935	4	1,623,935	2	282,000	-2	-703,300	6	1,810,635
7a	C-17 CONTINGENCY FUND						232,000		-232,000				
8	C-17 ADVANCE PROCUREMENT (CY)		205,605	8	155,605		205,605	8	-50,000		45,300		250,905
9	C-27A												
10	C-130H	8	300,358	8	300,358	8	300,358					8	300,358
11	LC-130												
12	ENHANCED FLIGHT SCREENER	42	12,253	42	12,253	42	12,253					42	12,253
13	TANKER, TRANSPORT, TRAINER SYSTEM	36	158,592	36	158,592	36	158,592					36	158,592
14	MH-60G	10	30,128	10	30,128	10	30,128					10	30,128
15	CIVIL AIR PATROL A/C	27	1,984	27	2,700	27	1,984		716		716	27	2,700
16	E-8B	1	310,572	1	310,572	2	499,772	-1	-189,200	1	201,200	2	511,772
17	E-8B ADVANCE PROCUREMENT (CY)		50,658		50,658		102,658		-52,000		28,458		79,116
18	VC-137 REPLACEMENT AIRCRAFT												
	MODIFICATION OF INSERVICE AIRCRAFT												
19	B-2A												
20	B-1B		50,254		50,254		50,254						50,254
21	B-52		76,710		76,710		70,000		6,710				76,710
22	F-117		24,661		32,661		24,661		8,000				24,661
23	A-10		7,821		7,821		7,821						7,821
24	F/RF-4												
25	F-15		303,915		303,915		303,915						303,915
26	F-16		274,496		274,496		238,096		36,400		-36,400		238,096
27	EF-111		8,975		8,975				8,975				8,975
28	F-111		54,185		54,185		54,185						54,185
29	TR-1A												
30	T/AT-37		1,890		1,890		1,890						1,890
31	C-5		8,255		8,255		8,255						8,255

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
32	C-9		1,986		1,986		1,986						1,986
33	C-21		94		94		94						94
34	C-22		4,697		4,697		4,697						4,697
35	C-STOL		94		94		94						94
36	C-137		10,650		10,650		10,650						10,650
37	C-141		14,673		14,673		40,673		-26,000		26,000		40,673
38	T-38		5,537		5,537		5,537						5,537
39	T-41 AIRCRAFT		195		195		195						195
40	T-43		302		302		302						302
41	KC-10A (ATCA)		38,644		38,644		38,644						38,644
42	C-12		5,714		5,714		5,714						5,714
43	C-18		189		189		189						189
44	C-20 MODS		94		94		94						94
45	VC-25A MOD		189		189		189						189
46	C-130		70,558		70,558		70,558						70,558
47	C-135		526,674		526,674		526,674				-87,174		439,500
47a	RC-135						-133,700		133,700				
48	E-3		76,350		37,750		76,350		-38,600				76,350
49	E-4		17,986		17,986		17,986						17,986
50	H-3 AIRCRAFT SYSTEM												
51	H-60												
52	OTHER AIRCRAFT		101,593		101,593		69,493		32,100		-22,100		79,493
53	CLASSIFIED PROJECTS		45,275		45,275		45,275						45,275
54	CIVIL RESERVE AIRLIFT FLEET (CRAF)												
55	APAF SPARES AND REPAIR PARTS		724,426		672,426		523,836		148,590		-225,590		498,836
56	COMMON AGE		442,396		442,396		442,396						442,396
57	INDUSTRIAL RESPONSIVENESS		35,477		35,477		35,477						35,477
58	WAR CONSUMABLES		27,930		27,930		27,930						27,930
59	OTHER PRODUCTION CHARGES		686,581		642,581		615,281		27,300		-74,000		612,581
60	COMMON ECM EQUIPMENT		98,967		98,967		98,967						98,967
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL AIRCRAFT PROCUREMENT AIR FORCE		10,928,701		10,144,817		9,274,999		869,818		-894,387		10,034,314

F-16 aircraft

The amended budget request contained $683.2 million to procure 24 F-16 fighter aircraft and to complete U.S. production.

The House bill would authorize the amount of the budget request. The House also believes that the F-16 should be kept in production in order to preserve the industrial base for Air Force fighter aircraft, and recommended an authorization of $68.4 million in advance procurement for 24 aircraft in fiscal year 1994.

The Senate amendment would eliminate funds for the final 24 aircraft, and would authorize $75 million to reconfigure the current F-16 production facility so that the facility remains efficient at low production rates envisioned for foreign military sales. The Senate amendment also contained a provision (sec. 133) that would authorize the Air Force to sell components procured with advance procurement funds for these 24 aircraft so that the savings achieved through the multiyear contract would not be lost.

The conferees recommend an authorization of $683.2. The conferees believe that any decision to continue production of F-16s beyond fiscal year 1993 should be based on the comprehensive review of tactical aviation as required by sections 901 and 902. The conferees recommend a provision that would prohibit the department from obligating any funds beyond production of 24 aircraft authorized in fiscal year 1993 and associated spare parts until the Secretary has submitted the reports required by section 902.

Concerning section 133 of the Senate amendment, the Senate recedes.

Joint primary training system

In view of the "model" success of the joint primary training systems (JPATS) program thus far, neither the House bill nor the Senate amendment would make any changes to the requested funding or acquisition plan.

Subsequently, however, the conferees have learned of plans by the Under Secretary of Defense for Acquisition to modify the structure of the acquisition plan to separate procurement into two contract awards: one for the aircraft and a second for the training system. The conferees understand that the Under Secretary would also eliminate the safety/requirements demonstration currently scheduled for the candidate competitors.

The conferees believe that one of the strongest features of the current JPATS acquisition plan stems from the efficiencies provided by procurement of an entire integrated "system." It is shortsighted to procure only replacement aircraft for Air Force and Navy primary training and not upgrade the instructional "system" in the process. The conferees also continue to believe that the long-term method of procuring a total system for this purpose is through a single prime contractor acting as the integrator.

Accordingly, the conferees direct the Department of Defense to proceed with JPATS procurement only under a non-developmental, single integrated procurement contract. Additionally, the conferees direct the Secretary of Defense to conduct a safety/requirements demonstration as contained in the original acquisition plan.

E-3 modifications

The amended budget request contained $76.4 million to modify E-3 airborne warning and control aircraft (AWACS).

The House bill would authorize $37.8 million. The reduction of $38.6 million from the request was based on a recommendation of the General Accounting Office that concluded that those funds for electronic support measures (ESM) were duplicative of capabilities found elsewhere in the Air Force.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize the budget request of $76.4 million. The conferees direct the Defense Department not to obligate any of the procurement funds for AWACS until the Office of the Secretary of Defense has certified to the congressional defense committees that the new ESM capability provides a significant improvement and does not duplicate any current Air Force system.

MISSILE PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,378.7 million for Missile Procurement, Air Force. The House bill would authorize $4,937.5 million. The Senate amendment would authorize $4,125.6 million. The conferees recommend authorization of $4,399.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MISSILE PROCUREMENT, AIR FORCE												
1	PEACEKEEPER (M-X)												
2	MISSILE REPLACEMENT EQ-BALLISTIC		40,300		40,300		40,300						40,300
3	HAVE NAP			30	24,000			30	24,000	30	24,000	30	24,000
4	AGM-131A SRAMII												
5	ADVANCED CRUISE MISSILE						34,600		-34,600		127,100		127,100
6	ACM ADVANCE PROCUREMENT (CY)												
7	HAVE FLAG	[ ]	[ ]										
8	AMRAAM	1,015	731,396	1,015	731,396	1,015	632,696		98,700		-98,700	1,015	632,696
9	AIM-9L/M SIDEWINDER												
10	AGM-130 POWERED GBU-15	102	76,100	102	76,100	102	76,100			8		110	76,100
11	AGM-65D MAVERICK												
12	AGM-88A HARM	846	218,400	846	218,400	846	104,700		113,700		-113,700	846	104,700
13	TARGET DRONES	92	60,883	142	72,883	92	72,883	50		78	12,000	170	72,883
14	INDUSTRIAL PREPAREDNESS		9,930		9,930		9,930						9,930
15	MISSILE REPLACEMENT EQ-OTHER		27,971		27,971		27,971						27,971
16	CLASSIFIED PROGRAM	[ ]	[ ]										
	MODIFICATION OF INSERVICE MISSILES												
17	HAVE NAP		1,155		1,155		1,155						1,155
18	AIR LAUNCH CRUISE MISSILE		21,208		21,208		21,208						21,208
19	PEACEKEEPER (M-X)		2,870		2,870		2,870						2,870
20	AIM-9 SIDEWINDER		11,681		11,681		11,681						11,681
21	MM II/III MODIFICATIONS		194,600		194,600		179,900		14,700		-14,700		179,900
22	AGM-65D MAVERICK		1,540		1,540		1,540						1,540
23	AGM-88A HARM		2,109		2,109		2,109						2,109
24	MODIFICATIONS UNDER $2.0M		319		319		319						319
25	ADVANCED CRUISE MISSILE		4,907		4,907		4,907						4,907
26	MPAT SPARES AND REPAIR PARTS		54,942		54,942		52,192		2,750		-2,750		52,192
	OTHER SUPPORT												
27	SPACEBORNE EQUIP (COMSEC)		7,921		7,921		7,921						7,921
28	GLOBAL POSITIONING (MYP)	6	188,301	6	188,301	6	98,301		90,000		-60,000	6	128,301
29	GPS ADVANCE PROCUREMENT (CY)		59,248		59,248		59,248						59,248
30	SPACE SHUTTLE OPERATIONS		88,300		88,300		88,300						88,300
31	SHUTTLE ADVANCE PROCUREMENT (CY)												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
32	SPACE BOOSTERS (MYP)		382,169		382,169		382,169						382,169
33	MEDIUM LAUNCH VEHICLE	4	180,334	4	180,334	4	180,334					4	180,334
34	MLV ADVANCE PROCUREMENT (CY)		46,303		46,303		46,303						46,303
35	DEF METEOROLOGICAL SAT PROG (MYP)		31,425		31,425		31,425						31,425
36	DMSP ADVANCE PROCUREMENT (CY)												
37	DEFENSE SUPPORT PROGRAM (MYP)		139,694		139,694		139,694						139,694
38	DSP ADVANCE PROCUREMENT (CY)		147,000		147,000		147,000						147,000
39	DEFENSE SATELLITE COMM SYSTEM (MYP)		25,471		25,471		25,471						25,471
40	FOREST GREEN		263		263		263						263
41	IONDS (MYP)	6	37,966	6	37,966	6	37,966				-5,700	6	32,266
42	IONDS ADVANCE PROCUREMENT (CY)		11,351		11,351		11,351						11,351
43	SPECIAL UPDATE PROGRAMS		154,207		154,207		69,507		84,700		-84,700		69,507
44	SPECIAL PROGRAMS		2,330,476		1,941,276		1,523,276		418,000		-674,200		1,656,276
999	CLASSIFIED PROGRAMS		87,968								-87,968		
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT AIR FORCE		5,378,708		4,937,540		4,125,590		811,950		-979,318		4,399,390

Advanced cruise missile

The amended budget request contained $82.3 million in research, development, test and evaluation (RDT&E) funds for the advanced cruise missile (ACM) program.

The House bill would provide $21.2 million in RDT&E funds.

The Senate amendment would provide no RDT&E funds but would provide $34.6 million in missile procurement funding to help resolve serious shortfalls in Air Force funding and management of the ACM program, as detailed in the Senate report (S. Rept. 102-352). The Air Force raised these funding and management problems after the House had completed action on its bill and only days before the Senate Armed Services Committee completed its mark-up.

Since then, the Air Force informally has proposed several recovery plans, culminating in an Air Force proposal, recently briefed to the congressional defense committees, that the conferees provide a total of $148.3 million, $21.2 million in RDT&E funds, and $127.1 million in procurement funds, in order to complete the ACM program, pay termination costs, and deliver 450 operational cruise missiles to the using command.

The conferees recommend $21.2 million for RDT&E and $127.1 million for procurement for the completion of the ACM production program. The conferees understand that the recommended sums should be adequate to deliver a total of 450 ACMs to the operational user, to pay termination costs, and to provide a modest level of interim support for operational ACMs during fiscal year 1993.

The conferees direct the Air Force not to curtail or terminate the existing contracts with the second-source ACM producer. Within that constraint, funds should be applied so as to maximize the number of completed ACMs.

The conferees further direct the Air Force to provide a report to the congressional defense committees not later than April 1, 1993, on the status of the program, to include:

the expected number of ACMs to be delivered within available funding;

an estimate of the additional funds that would be required after fiscal year 1993 in order to complete (a) all 520 ACMs, and (b) all ACMs which are at least 50 percent assembled; and

the extent to which ACM piece-parts for ACMs that will not be completed within available funding are usable as either initial or sustaining spares.

Finally, the conferees direct the Secretary of the Air Force to provide to the congressional defense committees not later than April 1, 1993 a listing of all incentive-type contracts in force for weapons programs for which the Air Force has neither fully funded its potential obligation up to the ceiling amount nor has available adequate unobligated unexpired funds within the requisite appropriation category. The conferees continue to be seriously concerned about the possibility of repetitions of the ACM fiasco, and that the Air Force has no plan to avoid such fiascos, other than to ask the congressional defense committees to bail it out.

AGM-88A high-speed anti-radiation missile

The amended budget request included $218.4 million to procure 846 AGM-88 high-speed anti-radiation missiles (HARM). These represent the last HARM missiles to be produced. After fiscal year 1993, the HARM program would be limited to an upgrade program in which improved guidance and control sections would be retrofitted on existing missiles.

The House bill would authorize the program at the requested level.

The Senate amendment would authorize $104.7 million, a reduction of $113.7 million from the requested amount. This reduction would reflect savings achieved by proceeding immediately with the retrofit program and avoiding procurement of new missiles in fiscal year 1993.

The House recedes.

Target drones

The House bill would authorize $12.0 million to procure 50 BQM-74 drone missiles for use as decoys by the Air Force. The Air Force utilized the BQM-74 effectively during Operation Desert Storm.

The Senate amendment would also authorize $12.0 million to procure 50 decoys. The Senate report (S. Rept. 102-352) stipulated, however, that before those funds could be obligated, the Air Force should establish a program that determines long-term requirements for decoys, examines alternative approaches for meeting those requirements, and selects the most cost-effective system.

The conferees recommend an authorization of $12.0 million for decoys for the Air Force, and concur in the direction of the Senate that the Air Force should first undertake a comprehensive assessment and determine long-term requirements for decoys before buying any specific system.

Global positioning system

The amended budget request contained $188.3 million for procurement of six global positioning system (GPS) satellites.

The House bill would authorize the requested amount.

The Senate amendment would authorize $98.3 million, a reduction of $90.0 million and three satellites from the request.

The Senate report (S. Rept. 102-352) notes that DOD is procuring satellites at a rate that exceeds requirements, whereas the Department is not adequately funding GPS receiver procurement and installation. Accordingly, the Senate report proposes to reduce the rate of satellite procurement and accelerate receiver procurement with an additional $150.0 million in fiscal year 1993.

The Senate recedes. The conferees agree that the slow pace of procurement for GPS user equipment is troubling but do not expect funding will be made available for accelerating this program in fiscal year 1993. The conferees endorse the goal of completing procurement and installation of GPS user equipment by fiscal year 2000, and urge the Secretary of Defense to correct this problem in the fiscal years 1994/1995 budget request. If the administration does not correct this problem in the fiscal years 1994/1995 budget request, the conferees direct the Secretary to submit to the congressional defense committees along with the fiscal years 1994/1995 budget request an alternative plan to complete GPS user equipment by fiscal year 2000. This alternative plan should provide the additional costs required to meet this goal.

The conferees agree further that the GPS satellite multiyear procurement contract should be preserved and therefore authorize the purchase of four satellites in fiscal year 1993. The conferees authorize $128.3 million for this purpose.

OTHER PROCUREMENT, AIR FORCE

Overview

The amendment budget request for fiscal year 1993 contained an authorization of $8,346.6 million for Other Procurement, Air Force. The House bill would authorize $8,132.5 million. The Senate amendment would authorize $8,101.0 million. The conferees recommend authorization of $7,894.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, AIR FORCE												
	MUNITIONS AND ASSOCIATED EQUIPMENT												
1	2.75 INCH ROCKET MOTOR	51,311	13,643	51,311	13,643	51,311	13,643					51,311	13,643
2	2.75 INCH ROCKET HEAD - WP												
3	ITEMS LESS THAN $2,000,000		5,760		5,760		5,760						5,760
4	5.56 MM	11,100	1,999	11,100	1,999	11,100	1,999					11,100	1,999
5	20 MM COMBAT						21,200		-21,200		8,000		8,000
6	20MM TRAINING	909	3,807	909	3,807	909	3,807					909	3,807
7	30 MM TRAINING	6,006	66,241	6,006	53,641	6,006	57,441		-3,800		-9,629	6,006	56,612
8	CARTRIDGE CHAFF RR-180	251,200	2,512	251,200	2,512	251,200	2,512					251,200	2,512
9	SIGNAL MK-4 MOD 3	374	561	374	561	374	561					374	561
10	CART IMP 3000 FT/LBS	3,803	8,823	3,803	5,623	3,803	5,623				-3,200	3,803	5,623
11	ITEMS LESS THAN $2,000,000		2,542		2,542		657		1,885		-1,885		657
12	M-117 BOMB												
13	MK-82 INERT/BDU-50												
14	BSU-49 INFLATABLE RETARDER												
15	BSU-50 INFLATABLE RETARDER												
16	BOMB HARD TARGET 2000LB												
17	BSU-85/93 INFLATABLE RETARDER	10,000	10,858	10,000	10,858			10,000	10,858	-10,000	-10,858		
18	BOMB AREA DENIAL 1000LB												
19	LASER BOMB GUIDANCE KIT												
20	GBU-15		6,565		6,565		6,565						6,565
21	BOMB PRACTICE 25 POUND	954,006	12,860	954,006	12,860	954,006	12,860					954,006	12,860
22	BOMB PRACTICE BDU-38												
23	MK-84 BOMB-EMPTY	9,977	21,089	9,977	21,089	9,977	21,089					9,977	21,089
24	SENSOR FUZED WEAPON		18,556		18,556		18,556						18,556
25	CBU-89 (GATOR)												
26	CBU-87(COMBINED EFFECTS MUNITIONS)												
27	ITEMS LESS THAN $2,000,000		3,631		3,631		2,831		800		-800		2,831
28	ITEMS LESS THAN $2,000,000		34		34		34						34
29	FLARE, IR MJU-7B	333,082	9,263	333,082	9,263	333,082	9,263					333,082	9,263
30	PARACHUTE FLARE LUU-2 B/B												
31	MJU-23 FLARE												
32	MJU-10B	45,046	2,264	45,046	2,264	45,046	2,264					45,046	2,264

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	ALA-17 FLARE												
34	M-206 CARTRIDGE FLARE						3,000		-3,000		3,000		3,000
35	SPARES AND REPAIR PARTS		6,607		6,607		6,277		330		-330		6,277
36	SPECIAL PROGRAMS		13,061		13,061		13,061						13,061
37	MODIFICATIONS		1,103		1,103		1,103						1,103
38	ITEMS LESS THAN $2,000,000		8,238		8,238		8,238						8,238
39	FMU-139 FUZE												
40	81MM MORTAR												
41	SHOTGUN - 12GAUGE												
42	SQUAD AUTOMATIC WEAPON	1,004	2,050	1,004	2,050	1,004	2,050					1,004	2,050
43	M-16 A2 RIFLE												
44	9MM COMPACT PISTOL												
45	.50 CAL DISRUPTER RIFLE												
46	M2 .50 CAL MACHINE GUN	40	389	40	389	40	389					40	389
47	12GA EOD SHOTGUN	78	17	78	17	78	17					78	17
	VEHICULAR EQUIPMENT												
48	SEDAN, 4 DR 4X2	108	1,146	108	1,146	108	1,146					108	1,146
49	BUS, 28 PASSENGER	59	2,714	59	2,714			59	2,714	-59	-2,714		
50	BUS, 44 PASSENGER	43	3,127	43	3,127			43	3,127	-43	-3,127		
51	AMBULANCE, BUS												
52	MODULAR AMBULANCE	126	7,392	126	7,392	126	6,092		1,300		-1,300	126	6,092
53	14-23 PASSENGER BUS	14	533	14	533			14	533	-14	-533		
54	LAW ENFORCEMENT VEHICLE	246	3,444	246	3,444	246	3,444					246	3,444
55	ARMORED SEDAN	2	354	2	354	2	354					2	354
56	TRUCK, STAKE/PLATFORM	269	4,339	269	4,339	269	4,339					269	4,339
57	TRUCK, CARGO-UTILITY, 3/4T, 4X4	471	8,000	471	8,000	471	8,000					471	8,000
58	TRUCK, CARGO-UTILITY, 1/2T, 4X2	227	3,391	227	3,391	227	3,391					227	3,391
59	TRUCK, PICKUP, 1/2T, 4X2												
60	TRUCK, PICKUP, COMPACT												
61	TRUCK MULTI-STOP 1 TON 4X2												
62	TRUCK, PANEL, 4X2	194	2,245	194	2,245	194	2,245					194	2,245
63	TRUCK CARRYALL	407	6,096	407	6,096	407	5,696		400		-400	407	5,696
64	MEDIUM TACTICAL VEHICLE	34	2,703	34	2,703	34	2,703					34	2,703
65	TRUCK, CARGO, 2 1/2T	135	4,796	135	4,796	135	4,796					135	4,796

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66	TRUCK TRACTOR, OVER 5T	203	11,351	203	11,351	203	11,351					203	11,351
67	TRUCK, DUMP 5 TON	130	5,998	130	5,998	130	5,998					130	5,998
68	TRUCK, UTILITY	239	3,401	239	3,401	239	3,401					239	3,401
69	CAP VEHICLES				825		800		25		825		825
70	ITEMS LESS THAN $2,000,000		16,581		16,581		16,581						16,581
71	TRUCK PHONE LINE CONSTRUCTION	32	3,920	32	3,920	32	3,920					32	3,920
72	TRUCK, TANK, 1200 GAL												
73	TRUCK TANK FUEL R-11												
74	TRUCK, TANK, FUEL, M-49												
75	TRACTOR, TOW, FLIGHTLINE												
76	MOBILE MAINT UNIT												
77	ITEMS LESS THAN $2,000,000		20,174		20,174		20,174						20,174
78	TRUCK CRASH P-19												
79	TRUCK CRASH P-23	48	22,116	48	22,116			48	22,116	-48	-22,116		
80	TRUCK WATER P-26 (P-18)	17	2,085	17	2,085	17	2,085					17	2,085
81	HEAVY RESCUE VEHICLE	27	4,346	27	4,346	27	4,346					27	4,346
82	TRUCK PUMPER P-24	19	2,894	19	2,894	19	2,894					19	2,894
83	TRUCK PUMPER P-22	23	3,030	23	3,030	23	3,030					23	3,030
84	ITEMS LESS THAN $2,000,000		1,547		1,547		1,547						1,547
85	TRUCK F/L 4000 LB GED/DED 144 INCH	123	6,047	123	6,047	123	6,047					123	6,047
86	TRUCK, F/L 6000 LB												
87	TRUCK, F/L 10,000 LB												
88	TRUCK F/L LARGE CAPACITY AT												
89	25K FORKLIFT												
90	25K A/C LOADER												
91	ITEMS LESS THAN $2,000,000		5,807		5,807		5,807						5,807
92	LOADER, SCOOP												
93	RUNWAY SNOW REMOV AND CLEANING EQUIP	60	3,642	60	3,642	60	3,642					60	3,642
94	EXCAVATOR, DED, PT												
95	SPARES AND REPAIR PARTS - OPAF 2		2,606		2,606		2,476		130		-130		2,476
96	MODIFICATIONS		550		550		550						550
97	ITEMS LESS THAN $2,000,000		10,811		10,811		10,811						10,811
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP												
98	COMSEC EQUIPMENT		57,028		57,028		57,028						57,028

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99	SPARES AND REPAIR PARTS - OPAF 3		1,859		1,859		1,759		100		-100		1,759
100	MODIFICATIONS (COMSEC)		872		872		872						872
101	INTELLIGENCE DATA HANDLING SYS		218		218		218						218
102	INTELLIGENCE TRAINING EQUIPMENT		4,080		4,080		4,080						4,080
103	INTELLIGENCE COMM EQUIP		17,679		17,679		17,679						17,679
104	ITEMS LESS THAN $2,000,000		11,407		11,407		11,407						11,407
105	AIR TRAFFIC CTRL/LAND SYS (ATCALS)												
106	TACTICAL AIR CONTROL SYS IMPROVE		118,774		118,774		118,774						118,774
107	WEATHER OBSERV/FORCAST		62,947		62,947		52,947		10,000		-10,000		52,947
108	DEFENSE SUPPORT PROGRAM		57,123		57,123		57,123				-3,200		53,923
109	OTH-B RADAR												
110	SAC COMMAND AND CONTROL		63,104		63,104		63,104						63,104
111	CHEYENNE MOUNTAIN COMPLEX		31,437		31,437		31,437						31,437
112	BMEWS MODERNIZATION		951		951		951						951
113	NAVSTAR GPS		6,078		6,078		6,078						6,078
114	PACAF COMMAND/CONTROL												
115	DEFENSE METEOROLOGICAL SAT PROG		15,165		15,165		15,165				-2,600		12,565
116	MARS/USAF-FAA RADAR UPGRADE		41,270		41,270		41,270						41,270
117	TAC SIGINT SUPPORT		4,598		4,598		4,598						4,598
118	DIST ERLY WARNING RDR/NORTH WARNING												
119	TACTICAL GROUND INTERCEPT FACILITY												
120	DRUG INTERDICTION PROGRAM												
121	AIR BASE OPERABILITY		9,504		9,504				9,504		-9,504		
122	IMAGERY TRANS		18,531		18,531		18,531						18,531
123	TACTICAL WARNING SYSTEMS SUPPORT		1,459		1,459		1,459						1,459
124	NORTH ATLANTIC DEFENSE C3		475		475		475						475
125	AUTOMATIC DATA PROCESSING EQUIP		75,677		75,677		71,977		3,700				75,677
126	ADP OPERATIONS CONSOLIDATION		124,360		124,360		124,360						124,360
127	WWMCCS/WIS ADPE		32,282		32,282		32,282						32,282
128	MAC COMMAND AND CONTROL SUPPORT		28,813		28,813		28,813						28,813
129	AIR FORCE PHYSICAL SECURITY SYSTEM		36,208		36,208		36,208				-5,238		30,970
130	RANGE IMPROVEMENTS		36,230		36,230		7,630		28,600				36,230
131	C3 COUNTERMEASURES		4,007		4,007		4,007						4,007
132	JOINT SURVEILLANCE SYSTEM												

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133	BASE LEVEL DATA AUTO PROGRAM		22,981		22,981		22,981						22,981
134	AF SATELLITE CONTROL NETWORK		36,297		36,297		36,297						36,297
135	CONSTANT WATCH		5,643		5,643		5,643						5,643
136	CONSOLIDATED SPACE OPS CENTER												
137	ESMC/WSMC I&M		93,984		93,984		93,984						93,984
	AFMC CALS												
138	PROGRAM 698AJ												
139	INFORMATION TRANSMISSION SYSTEMS		3,333		3,333		3,333						3,333
140	TELEPHONE EXCHANGE		80,490		80,490		61,390		19,100		-7,100		73,390
141	JOINT TACTICAL COMM PROGRAM (MYP)		53,960		53,960		47,860		6,100		-6,100		47,860
142	USTRANSCOM		4,762		4,762		4,762						4,762
143	USCENTCOM		5,561		5,561		5,561						5,561
144	AUTOMATED TELECOMMUNICATIONS PRG		7,822		7,822		7,822						7,822
145	MILSTAR		211,470		211,470		203,470		8,000		-129,470		82,000
146	SATELLITE TERMINALS		6,733		6,733		6,733						6,733
147	WIDEBAND SYSTEMS UPGRADE		1,731		1,731		1,731						1,731
148	MINIMUM ESSENTIAL EMER COMM NET		33,424		33,424		33,424						33,424
149	TACTICAL C-E EQUIPMENT		37,631		37,631		37,631						37,631
150	RADIO EQUIPMENT		14,229		14,229		14,229						14,229
151	TV EQUIPMENT (AFRTV)		4,505		4,505		4,505						4,505
152	CCTV/AUDIOVISUAL EQUIPMENT		3,692		3,692		3,692						3,692
153	E + I REQUIREMENTS												
154	SPARES AND REPAIR PARTS - OPAF 3		210,422		210,422		199,901		10,521		-10,521		199,901
155	CAP COM & ELECT				600		600				600		600
156	ITEMS LESS THAN $2,000,000		12,869		12,869		12,869						12,869
157	COMM ELECT MODS		26,143		26,143		23,643		2,500		-2,500		23,643
158	ANTIJAM VOICE		1,770		1,770		1,770						1,770
159	SPACE MODS		19,717		19,717		19,717						19,717
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP												
160	BASE/ALC CALIBRATION PACKAGE		14,689		14,689		14,689						14,689
161	NEWARK AFB CALIBRATION PACKAGE		2,606		2,606		2,606						2,606
162	ITEMS LESS THAN $2,000,000		28,979		28,979		28,979						28,979
163	NIGHT VISION GOGGLES		6,563		6,563		6,563						6,563
164	BREATHING APPARATUS TWO HOUR		8,522		8,522		8,522						8,522

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
165	CHEMICAL/BIOLOGICAL DEF PROG		28,672		28,672		28,672						28,672
166	ITEMS LESS THAN $2,000,000		5,023		5,023		5,023						5,023
167	BASE MECHANIZATION EQUIPMENT		12,322		12,322		12,322						12,322
168	AIR TERMINAL MECHANIZATION EQUIP		4,993		4,993		4,993						4,993
169	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMT												
170	ITEMS LESS THAN $2,000,000		9,861		9,861		9,861						9,861
171	GENERATORS-MOBILE ELECTRIC												
172	FLOODLIGHTS SET TYPE MF2D		15,308		15,308		15,308						15,308
173	ITEMS LESS THAN $2,000,000		4,419		4,419		4,419						4,419
174	BASE PROCURED EQUIPMENT		33,191		33,191		33,191						33,191
175	MEDICAL/DENTAL EQUIPMENT		6,814		6,814		6,814						6,814
176	AIR BASE OPERABILITY		17,274		17,274		17,274						17,274
177	PALLET AIR CARGO	4,000	3,898	4,000	3,898	4,000	3,898					4,000	3,898
178	NET ASSEMBLY, 108"X88"		977		977		977						977
179	PHOTOGRAPHIC EQUIPMENT		6,405		6,405		6,405						6,405
180	TACTICAL SHELTER		2,964		2,964		2,964						2,964
181	PRODUCTIVITY ENHANCEMENT		8,159		8,159		8,159						8,159
182	PRODUCTIVITY INVESTMENTS		4,415		4,415		4,415						4,415
183	MOBILITY EQUIPMENT		1,368		1,368		1,368						1,368
184	WARTIME HOST NATION SUPPORT		823		823		823						823
185	SPARES AND REPAIR PARTS - OPAF 4		683		683		683						683
186	ITEMS LESS THAN $2,000,000		20,113		20,113		20,113						20,113
	NATURAL GAS UTILIZATION												
187	INTELLIGENCE PRODUCTION ACTIVITY		72,676		75,234		91,676		-16,442		13,500		86,176
188	TECH SURV COUNTERMEASURES EQ		2,613		2,613		2,613						2,613
189	SR YR GND STATIONS		104,138		104,138		104,138						104,138
190	SELECTED ACTIVITIES		5,560,059		5,357,788		5,460,159		-102,371		-188,846		5,371,213
191	SPECIAL UPDATE PROGRAM		176,905		176,905		176,905						176,905
192	DRUG INTERDICTION PROGRAM												
193	INDUSTRIAL PREPAREDNESS		3,065		3,065		3,065						3,065
194	MISC EQUIPMENT												
195	MODIFICATIONS		187		187		187						187
196	FIRST DESTINATION TRANSPORTATION		16,940		16,940		16,940						16,940
	RAISE O&M PURCHASE THRESHOLD						-36,000		36,000				

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	GENERAL REDUCTION INT CONTRACT SUPP INFLATION ADJUSTMENT										-45,916		-45,916
	TOTAL OTHER PROCUREMENT AIR FORCE		8,346,588		8,132,500		8,100,970		31,530		-452,192		7,894,396

Defense meteorological satellite program

The Senate amendment would direct the Air Force to procure deployable defense meteorological satellite program (DMSP) terminals to support the combatant commands contingency requirements before procuring fixed terminal systems.

The House bill contained no similar direction.

The conferees fully support the Senate's objectives. The conferees understand that DOD has reexamined its decision to cancel the procurement of deployable terminals and has developed a plan to procure five deployable terminals and seven fixed terminals. Several of the mobile terminals will be deployed at sites that were to receive fixed terminals. These terminals would then be available to support contingencies. Other mobile terminals will be deployed with the U.S. Central Command and Southern Command. The conferees note that site preparation delays for fiscal year 1993 need not impede terminal procurement under the revised plan. The conferees therefore authorize the requested amount for terminal procurement if funding is made available.

PROCUREMENT, DEFENSE AGENCIES

Overview

The amended budget request for fiscal year 1993 contained an authorization of $2,146.9 million for Procurement, Defense Agencies. The House bill would authorize $1,748.6 million. The Senate amendment would authorize $2,539.0 million. The conferees recommend authorization of $1,950.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT, DEFENSE AGENCIES												
	MAJOR EQUIPMENT												
1	C-20F AIRCRAFT												
2	MOTOR VEHICLES, OSD		379		379		69		310		-310		69
3	MAJOR EQUIPMENT, OSD/WHS		53,221		53,221		53,221						53,221
4	REMOTELY PILOTED VEHICLES		148,952		148,952		148,952				-10,000		138,952
5	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		64,000		64,000		64,000						64,000
6	ELECTRONIC WARGAMING EQUIPMENT												
7	COMMAND CONTROL COMMUNICATIONS & INTEL												
8	DRUG INTERDICTION												
9	MAJOR EQUIPMENT, NSA		[ ]								[-65,155]		
10	VEHICLES, DNA	23	342	23	342	23	342					23	342
11	OTHER CAPITAL EQUIPMENT, DNA	26	3,361	26	3,361	26	3,361					26	3,361
12	WWMCCS ADP SYSTEMS		8,458		8,458		8,458						8,458
13	ITEMS LESS THAN $2 MILLION, DISA		67,451		67,451		67,451						67,451
14	PRODUCTIVITY INVESTMENT FUNDING												
15	DRUG INTERDICTION SUPPORT												
16	INDUSTRIAL/DEPOT MAINTENANCE EQUIP												
17	MAJOR EQUIPMENT, DIA		[ ]								[11,700]		
18	MATERIALS HANDLING EQUIPMENT, DLA												
19	VEHICLES, DLA												
20	MECHANIZED MATERIALS HANDLING SYS												
21	ADP EQUIPMENT, DLA												
22	TELECOMMUNICATIONS EQUIPMENT, DLA												
23	DEFENSE SUPPORT ACTIVITIES		1,900		1,900		1,900						1,900
24	OTHER MAJOR EQUIPMENT, DLA												
25	ITEMS LESS THAN $2 MILLION, DLA												
26	INDUSTRIAL/DEPOT MAINTENANCE												
27	ADP EQUIPMENT, DMA												
28	VEHICLES, DMA		289		289		289						289
29	OTHER CAPITAL EQUIPMENT, DMA		33,987		33,987		33,987						33,987
30	GEODESY AND GEOPHYSICAL EQUIPMENT		2,685		2,685		2,685						2,685
31	VEHICLES, DIS		3,952		3,952		3,952						3,952

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32	OTHER CAPITAL EQUIPMENT, DIS		1,815		1,815		1,815						1,815
33	ITEMS LESS THAN $2 MILLION, USUHS												
34	ITEMS LESS THAN $2 MILLION, DCAA		5,600		5,600		5,600						5,600
35	MAJOR EQUIPMENT, DSPO		463,407		98,800		463,407		-364,607		-225,300		238,107
36	MAJOR EQUIPMENT, OJCS		30,722		30,722		22,898		7,824		-7,824		22,898
	TACTICAL SIGINT/ELINT FUND						166,662		-166,662		56,962		56,962
37	VEHICLES, OSIA												
38	OTHER CAPITAL EQUIPMENT, OSIA		7,238		7,238		6,638		600		-600		6,638
39	PATRIOT		62,500		62,500		62,500				12,700		75,200
	INDUSTRIAL BASE EMERGENCY FUND						200,000		-200,000				
	MENTOR-PROTEGE PROGRAM						55,000		-55,000		55,000		55,000
	DEFENSE MODELING/SIMULATION OFFICE						10,000		-10,000		10,000		10,000
	GPS TERMINAL PROCUREMENT						150,000		-150,000				
	INFLATION ADJUSTMENT										-4,004		-4,004
	RAISE O&M PURCHASE THRESHOLD						-129,500		129,500				
999	CLASSIFIED PROGRAMS		504,554		494,060		493,554		506		-53,455		451,099
SPECIAL OPERATIONS COMMAND													
40	MC-130H COMBAT TALON II		53,955		53,955		53,955						53,955
41	MH-60L ACQUISITION												
42	AC-130U GUNSHIP ACQUISITION												
43	C-130 MODIFICATIONS		110,560		110,560		110,560						110,560
44	HH-53 MODIFICATIONS		7,319		7,319		7,319						7,319
	OTHER AIRCRAFT MODIFICATIONS												
45	MH-47/MH-60 MODIFICATIONS												
46	MH-60 MODIFICATIONS		588		588		588						588
47	OTHER AIRCRAFT MODIFICATIONS												
48	AIRCRAFT SUPPORT		138,438		113,238		138,438		-25,200		-12,000		126,438
49	PATROL BOAT, COASTAL		25,433		19,433		20,133		-700		-5,300		20,133
50	SUBMARINE CONVERSION												
51	SOF PYRO/DEMO		25,291		25,291		13,291		12,000		-12,000		13,291
52	SOF PLATFORM GUN AMMUNITION		38,467		38,467		38,467						38,467
53	SOF INDIV WEAPONS AMMUNITION		17,499		17,499		17,499						17,499
54	AC-130 GUNSHIP AMMUNITION												
55	ROCKET, HYDRA												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
56	RANGER ANTI-ARMOR WPN SYS AMMUNITION												
57	SMALL ARMS AND LANDING PARTY AMMUNITION												
58	PYROTECHNIC AND DEMOLITION												
59	COMM EQUIPMENT & ELECTRONICS		81,687		81,687		81,687						81,687
60	SOF INTELLIGENCE SYSTEMS		34,289		42,289		19,289		23,000		8,000		42,289
61	SOF SMALL ARMS & WEAPONS		4,673		4,673		4,673						4,673
62	SPECIAL WARFARE EQUIPMENT		18,731		18,731		18,731						18,731
63	COMMUNICATION EQUIPMENT MODIFICATIONS												
64	MISCELLANEOUS EQUIPMENT		14,995		14,995		6,895		8,100		-8,100		6,895
65	CLASSIFIED PROGRAMS		110,197		110,197		110,197						110,197
66	PSYOP EQUIPMENT												
67	SWIMMER WEAPONS SYSTEM												
68	RANGER VEHICLES												
69	NAVY SMALL ARMS AND WEAPONS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	SPECIAL TECHNICAL PROJECTS												
	TOTAL PROCUREMENT DEFENSE AGENCIES		2,146,935		1,748,634		2,538,963		-790,329		-196,231		1,950,704

On-Site Inspection Agency

The amended budget request contained $7.2 million for procurement for the On-Site Inspection Agency (OSIA).

The House bill would authorize the requested amount.

The Senate amendment would authorize $6.6 million for procurement of mission essential equipment, based on changes to the budget assumptions for implementation of the Bilateral Chemical Weapons Agreement which occurred after the House bill had been approved.

After thorough consultation with OSIA and other Department of Defense officials regarding revisions in OSIA requirements, the conferees recommend authorization of $6.6 million for procurement of mission-essential equipment for fiscal year 1993.

Industrial base emergency fund

The Senate amendment would authorize $200.0 million to establish an industrial base emergency fund. The purpose of the fund would be to fund critical elements of the subcontractor industrial base that would otherwise be lost because of terminated programs. Funds from the emergency fund would be distributed only after the Defense Department submitted proposals similar to reprogramming requests.

The House bill contained no similar authorization.

The conferees note that neither the House-passed nor the Senate-passed defense appropriations bill for fiscal year 1993 contains funds for the industrial base emergency fund; therefore, it would be pointless to authorize funds at this time. The conferees support the idea, however, of such an emergency fund and suggest that the Under Secretary of Defense for Acquisition consider establishing such a fund during preparation of the fiscal years 1994/1995 budget request.

PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

Overview

The House bill would authorize $635.8 million for Procurement, National Guard and Reserve Equipment. The Senate amendment would authorize $872.1 million. The conferees recommend authorization of $695.6 million, as delineated in the following table.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	NATIONAL GUARD & RESERVE EQUIPMENT												
	RESERVE EQUIPMENT												
	ARMY RESERVE												
	ARMY RES CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	ARMY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	ARMY RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
1	SINCGARS RADIOS						10,000		-10,000				
2	NIGHT VISION						20,000		-20,000		20,000		20,000
3	TACTICAL TRUCKS/ HEMMT				7,500				7,500	198	7,500	198	7,500
	MEDIUM TRUCK SLEP						25,000		-25,000				
	C-12J					12	42,000	-12	-42,000				
4	MISCELLANEOUS EQUIPMENT				15,000				15,000				
5	COMMUNICATIONS ELECTRONICS												
6	SHOP EQUIPMENT												
	EXTERNAL AUX FUEL TANKS												
7	TEST SET COMMON CORE												
	NAVY RESERVE												
	SEABEES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	NAVY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	NAVY RES COMMUNICIATIONS/ELEC EQUIP						35,000		-35,000				
	NAVY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
8	MISCELLANEOUS EQUIPMENT				15,000				15,000				
9	AN-SQQ TRAINERS												
10	C-130H AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
11	C-20 AIRCRAFT												
12	HH-60H UPGRADE KITS				22,100				22,100				
13	AN-AQA-7B IPADS												
14	MH-53 HELICOPTERS												
15	LAMPS MK-1 ASW UPGRADE				35,000				35,000		35,000		35,000
	P-3 UPGRADES												
	MIUW VANS												
	FFG-7 DISPLAY SYSTEMS												
16	P-3C AIRCRAFT SUPPORT EQUIPMENT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MARINE CORPS RESERVE												
	MC RES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	MC RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	MC RES COMMUNICIATIONS/ELEC EQUIP						15,000		-15,000				
	MC RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
17	MISCELLANEOUS EQUIPMENT												
	SINCGARS						5,000		-5,000				
	C-20					1	25,000	-1	-25,000				
18	KC-130T AIRCRAFT			2	70,000			2	70,000				
19	AH-1W COBRA AIRCRAFT												
20	NIGHT VISION				9,000		10,000		-1,000		9,000		9,000
	AIR FORCE RESERVE												
	AF RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	AF RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
21	MISCELLANEOUS EQUIPMENT				15,000				15,000		10,000		10,000
22	C-130 AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
23	F-16 MODIFICATIONS				24,500				24,500				
23a	AIRCRAFT DEFENSE SYSTEMS				8,300				8,300				
23b	HH60 MODS				14,400				14,400				
	NIGHT VISION GOGGLES						5,000		-5,000				
24	C-130 MODIFICATIONS												
	NATIONAL GUARD EQUIPMENT												
	ARMY NATIONAL GUARD												
	ARMY GUARD CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	NATIONAL GUARD STOL AEROMEDICAL EVAC						60,000		-60,000				
	ARMY GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY GUARD SIMULATORS/TRAINING DEVICES						20,000		-20,000				
25	MISCELLANEOUS EQUIPMENT												
26	OH-58D HELICOPTERS												
26a	M9 ACE				35,000				35,000	50	35,000	50	35,000
27	UH-60 HELICOPTERS												
28	MEDIUM TACTICAL TRUCKS/SLEP				50,000		15,000		35,000		50,000		50,000
	FIVE TON TRUCKS												
29	TRUCK, TRACTOR, M916												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
30	BATTERY COMPUTER SYSTEM												
31	C-23 AIRCRAFT												
32	FAMILY OF HEAVY VEHICLES												
33	M113 VEHICLES				15,000		15,000				15,000		15,000
34	C-26 AIRCRAFT					6	23,000	-6	-23,000				
35	MLRS LAUNCHERS												
36	MLRS BN SPT EQUIPMENT												
37	NIGHT VISION DEVICES						20,000		-20,000		20,000		20,000
38	COMMUNICATIONS ELECTRONICS												
39	TCT UPGRADE												
40	SQ TRAINING DEVICES/SIMULATORS				20,000				20,000		10,000		10,000
41	SINCGARS RADIOS						10,000		-10,000				
	AH-1 MODS C-NITE												
	EXTERNAL AUX FUEL TANKS										4,000		4,000
	UV-18 REPLACEMENT/C-212 AIRCRAFT												
	P-180 AIRCRAFT					3	17,000	-3	-17,000				
	M-915/916 TRUCKS												
42	DRUG INTERDICTION												
	AIR NATIONAL GUARD												
	AIR GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	AIR NATIONAL GUARD STARBASE						2,000		-2,000		2,000		2,000
43	MISCELLANEOUS EQUIPMENT												
44	C-130 AIRCRAFT			2	50,000	8	228,100	-6	-178,100				
45	C-130 MODIFICATIONS									8	228,100	8	228,100
46	C-26 AIRCRAFT												
47	MH-60G HELICOPTERS												
48	F-16 MODIFICATIONS				25,000				25,000				
49	F-16 SUPPORT EQUIPMENT												
50	F-15 MSIP				15,000				15,000				
51	F-15/F-16 ENGINE UPGRADES				40,000				40,000		10,000		10,000
52	DRUG INTERDICTION												
	F-15 ALE-40												
	NIGHT VISION GOGGLES						5,000		-5,000				
	MODULAR CONTROL EQUIPMENT (MCE)				50,000				50,000		50,000		50,000

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
53	JOINT TACTICAL COMMUNICATIONS												
54	TAC AIR CONTROL IMPROVE												
	NATIONAL GUARD AND RESERVE COMPONENTS												
	OPERATIONAL SUPPORT/MEDEVAC AIRCRAFT										90,000		90,000
	TOTAL GUARD AND RESERVE PROCUREMENT				635,800		872,100		-236,300		695,600		695,600

National Guard and reserve component operational support/medical evacuation aircraft

The Senate amendment contained $162 million for the following operational support/medical evacuation aircraft.

[Dollar amounts in millions]

Aircraft	Quantity	Budget authority
C-12J	12	$42.0
C-20	1	25.0
C-23	10	60.0
C-26	6	23.0
P-180	3	12.0

The House bill contained no similar authorizations.

The conferees recommend no specific authorization for individual types of aircraft, and instead recommend an authorization of $90 million for a general category of operational support/medical evacuation aircraft.

Section 904 of this act would stipulate that the Secretary of Defense shall undertake a study of the age, condition, requirement, and modernization plans for operational airlift aircraft operated by the National Guard and the reserve components. The conferees expect the Secretary to undertake this study in consultation with the National Guard and the reserve components. The conferees recommend a provision that would prohibit the obligation of the funds authorized to be appropriated for such aircraft until the study by the Secretary of Defense has been completed and submitted to the congressional defense committees.

The conferees expect that this study will serve to provide a roadmap for the allocation of the $90 million authorized to be appropriated or otherwise made available in fiscal year 1993.

The conferees emphasize that to the maximum feasible extent possible, the Department should procure operational support/medical evacuation aircraft that are manufactured in the United States.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF												
1	CHEM DEMILITARIZATION - RDTE		2,500		2,500		2,500						2,500
2	CHEM DEMILITARIZATION - PROC		254,500		254,500		245,400		9,100		-9,100		245,400
3	CHEM DEMILITARIZATION - O&M		269,400		269,400		269,400				-2,000		267,400
4	RETROGRADE												
	TOTAL CHEMICAL DESTRUCTION		526,400		526,400		517,300		9,100		-11,100		515,300

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense support program (sec. 108)

The amended budget request contained funding to begin the multi-year procurement of satellites 23 through 25 for the defense support program (DSP) ballistic missile early warning system.

The House bill and the Senate amendment would authorize funding for this multi-year procurement. The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) authorized a multi-year procurement for DSP, but the legislation provided authority to procure satellite number 25 only as an option. The Defense Department informed the conferees that additional authority is required to include satellite 25 as part of the baseline contract.

Accordingly, the conferees agree to a provision authorizing the multi-year procurement. The conferees direct the Air Force to limit termination liabilities for satellite 25 in the event that it is not required.

M1 tank program (sec. 111)

The House bill contained a provision (sec. 111) that would prohibit the closure of any portion of the tank industrial base. The provision would further require that funds appropriated in fiscal year 1992 to initiate a tank remanufacture program must be released to the Army within 15 days of enactment of this act, and the Army would be required to obligate those funds within 90 days.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that the $225.0 million authorized and appropriated in fiscal year 1992 has been released to the Army for obligation. Further, the conferees note the intent of the Army to obligate these funds as soon as practicable. However, the conferees reject the Army's proposal to proceed initially with remanufacturing M1A1 tanks before proceeding to remanufacture older-model M1 tanks.

The conferees see little to be gained by paying for development of two sets of technical drawings for a two-phase remanufacture program. The conferees also note that the Army's plan would exclude the tank cannon section of the industrial base for the first three years of the program.

The conferees recommend a total authorization of $147.6 million for procurement and $2.5 million in research and development to continue the tank modification program as outlined by the Army. As noted elsewhere, the conferees also recommend a provision that would make available for the upgrade program any and all funds received from the sale of tanks from inventory under the Arms Export Control Act. The conferees reiterate that the modification program must convert first generation M1 tanks into the improved block 2 configuration.

Procurement of AHIP scout helicopters (sec. 112)

The House bill contained a provision (sec. 112) that would authorize $250.0 million to procure 36 AHIP scout helicopters, and would exempt the procurement from the provisions of Public Law 101-189.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide a total of $225.0 million to procure 36 AHIP scout helicopters.

AH-64 Apache helicopter modifications (sec. 113)

The amended budget request contained $49.1 million in procurement to modify existing AH-64 helicopters to correct current deficiencies, and $281.8 million in research and development to continue development of the so-called Longbow upgrade to the AH-64 as a long-term modernization program.

The House bill would authorize $9.1 million in procurement for safety of flight modifications only, but would authorize the full research and development request for the Longbow development program.

The Senate amendment would authorize $91.8 million to accelerate the AH-64A+ modification program. The Senate amendment would also accelerate the development of the so-called "C" configuration of the AH-64 by adding $25.0 million to the Longbow budget request. The Senate amendment also contained a provision (sec. 111) that would repeal certain restrictions on the AH-64 modification program imposed by Public Law 102-190.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Army has finally developed a comprehensive and affordable upgrade program for the AH-64 fleet, even though it has not yet been fully budgeted. The conferees believe this upgrade program should receive the highest priority in Army aviation modernization.

Armored vehicle upgrades (sec. 114)

The amended budget request contained no funds to continue the modification program of the M1 tank initiated by the Congress in fiscal year 1991.

The Senate amendment contained a provision (sec. 112) that would make available for a tank remanufacture program any funds received from the sale of tanks from inventory by the United States under the Arms Export Control Act. The provision would further make available for upgrades to infantry fighting vehicles any funds received from the sale of infantry fighting vehicles from inventory by the United States under the Arms Export Control Act.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify the intent of the conferees. The conferees reiterate that this provision applies only to the sales of tanks and infantry fighting vehicles from inventory.

Limitation regarding chemical agent monitoring program (sec. 115)

The Senate amendment contained a provision (sec. 113) that would prohibit the procurement of the improved chemical agent monitor (ICAM) until the Secretary of the Army certified to Congress that all ICAM design and production deficiencies have been identified and corrected.

The House bill contained no similar provision.

The House recedes.

Shipbuilding and conversion (sec. 121)

The Senate amendment contained a provision (sec. 121) that would authorize shipbuilding programs by line item, derive $666.6 million for current year programs by authorizing transfers from various prior year shipbuilding programs, and limit obligations in fiscal year 1994 for the carrier replacement program until the Secretary of Defense submits an overall industrial base assessment and a roles and missions report.

The House bill contained no similar provision.

The House recedes with an amendment that would conform the line item authorizations and prior year transfer amounts to reflect the conferees' recommendations. The amendment would also eliminate the limitation on carrier replacement program obligations.

Airborne self-protection jammer (sec. 122)

The Senate amendment contained a provision (sec. 123) that would prohibit the obligation of funds appropriated in fiscal year 1993 or in any previous year for procurement of airborne self-protection jammer (ASPJ) pods except for the payment of costs of terminating existing contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the prohibition on further expenditure of funds takes effect after formal notification by the Secretary of Defense that the ASPJ program was not judged to be suitable and effective.

The conferees understand that the Director of Operational Test and Evaluation had conducted a preliminary assessment of the operational tests and is unlikely to certify that the ASPJ system was suitable and effective as a weapon system. Last year the Congress determined that no further funds should be obligated or expended on ASPJ until it was determined to be operationally suitable and effective. As such, funds are not needed in fiscal year 1993 and some funds will be available from fiscal year 1992 appropriated funds.

The amended budget request for fiscal year 1993 contained $55.0 million for ASPJ procurement. The conferees would deny authorization of those funds. The conferees understand that termination costs could be significant, because the Navy is liable for test equipment that was purchased by the contractor at the early stage of the contract. At this point, the Navy has not determined the amount needed for contract termination, but any unobligated prior year funds will be needed for that purpose.

The conferees continue to believe the Navy needs an effective jammer system. The conferees believe that the Navy should undertake a prompt review to determine if the existing ASPJ program might be restructured to provide an effective and suitable jammer system, or if elements of the ASPJ program might be adapted for use in a new jammer program. If such a course proves impractical, the Navy should develop an alternative plan on an expedited basis to procure an alternative jammer system.

AV-8B Harrier radar upgrade program (sec. 123)

The Senate amendment contained a provision (sec. 124) that would preclude spending any funds in fiscal year 1993 to begin a remanufacturing program to rebuild two crash-damaged AV-8B aircraft to a radar-equipped configuration. This provision would extend for another year a similar prohibition contained in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The House recedes.

C-135 aircraft program modifications (sec. 131)

The House bill contained a provision (sec. 142) that would require the Air Force to convert a reserve component squadron of KC-135E aircraft to the KC-135R configuration within the available funds in the amended budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Section 137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) required a report on strategic tanker force requirements. The Acting Under

Secretary of Defense submitted this report on March 21, 1991. Dramatic changes in the world have altered the fundamental assumptions in the tanker report submitted almost two years ago.

The conferees agree that the House provision requires no commitment to any re-engining program beyond fiscal year 1993. The conferees understand that additional tanker force reductions beyond those projected in the Future Year Defense Program (FYDP) may be warranted because of changed requirements. Further tanker modernization decisions should only be based on the latest information on the requirements and costs of various alternatives for meeting those requirements. The conferees therefore direct the Department of Defense to submit a report on tanker requirements and modernization plans with the fiscal years 1994/1995 budget request. That report should address the following items:

changes in tanker demand resulting from increased support requirements for regional contingencies,

the effect of the Defense Department's decision to withdraw bomber forces from strategic alert,

the effect of changed requirements for supporting other strategic forces,

the change in requirements if the Air Force re-engines or retires the RC-135 fleet,

the effect of the Mobility Requirements Study results on the tanker force,

the number of tankers to be retained in the base force,

the Air Force's plans for modernizing the tankers that remain in the force structure,

the tanker modernization funds included in the FYDP,

the projected cost of completing the current KC-135R re-engining of active component aircraft,

the potential cost of re-engining the KC-135E fleet proposed to remain in the base force, and

a year-by-year display (including 1980 through the end of the FYDP) of the tanker force structure by specific series (A, E, Q, R, and T,) and the number and funding for various tanker re-enginings (A to E, A to R, E to R, and Q to T).

This report should contain a specific review of modernization options for both the active and reserve fleets, and should focus on the most efficient mix of refueling aircraft types to support missions reflecting changed world circumstances. The conferees direct that the report also include the views of the chiefs of the National Guard Bureau and the Air Force Reserve on modernization priorities.

Live-fire survivability testing of C-17 aircraft (sec. 132)

The House bill contained a provision (sec. 143) that would require the Secretary of Defense to submit a report explaining how the Secretary plans to evaluate the survivability of the C-17 system and assessing various alternatives to realistic survivability testing. The provision also would require the Secretary to ensure that major components and subsystems that could significantly affect the survivability of the C-17 be made available for live-fire testing.

The Senate amendment contained no similar provision.

The Senate recedes.

Correction of fuel leaks on C-17 production aircraft (sec. 133)

The House bill contained a provision (sec. 144) that would require the Secretary of the Air Force to certify that fuel leaks in C-17 production aircraft will be corrected at no cost to the government under the remedy provisions of the warranty. If such a certification is not possible, the Secretary of the Air Force would be required to correct these defects using only the Air Force's air logistic centers.

The Senate amendment included a similar provision (sec. 132) that differed from the House provision only by requiring that the certification of no-cost corrections be made by the Secretary of Defense.

The Senate recedes.

C-17 aircraft program review (sec. 134)

The House bill contained a provision (sec. 145) that would require the Secretary of Defense to convene a special Defense Acquisition Board (DAB) to review the C-17 program's performance requirements and affordability before obligating any fiscal year 1993 funds.

The Senate amendment contained a provision (sec. 131) that would require certain additional actions before the Air Force could issue a contract for the fiscal year 1993 production lot:

DOD contract with the Institute for Defense Analysis (or similar federally funded research and development center) to conduct a cost and operational effectiveness analysis (COEA) of the C-17 program.

Air Force commission the Scientific Advisory Board to investigate the possibility of conducting a C-141 service life extension program (SLEP) and to identify what modifications would be required to extend significantly the fleet's useful life.

The Senate provision would also require the Department to implement an initiative on cost, performance, and management and to develop a system maturity matrix that Congress can use to gauge when future production funds will be released. The provision would also prohibit spending any funds to increase the rate at which the contractor can produce aircraft.

The Senate provision also included a contingent authorization that would release an additional $232.0 million to the C-17 program for additional aircraft if aircraft P-5 were delivered by December 31, 1992 and all aircraft through P-10 had been delivered and flown away from the final assembly site by August 31, 1993. The contingent authorization would require that the DOD Inspector General (DOD IG) certify that these actions had occurred.

The conferees remain concerned about the progress of the C-17 program. Airlift capability is clearly important to effective operations in the world today. However, increased production rates should be tied to better contractor performance. Therefore, the conferees agree to reaffirm the provisions relating to release of fiscal year 1993 production funds included in section 133 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The conferees understand that the Air Force is concerned that these fiscal year 1993 limitations could cause a production break. The conferees note that the Air Force was willing to be bound by these fiscal year 1993 limitations last year. The conferees direct the Air Force to use its resources to prevent a potential production break.

The conferees also recommend several new limitations and reporting requirements, including the following:

No funds may be used to increase the rate at which the contractor can produce C-17 aircraft.

No fiscal year 1993 advance procurement funds (for fiscal year 1994 production) may be released until the Secretary of Defense certifies, based on findings on the Defense Plant Representative Office, that:

the aircraft designated as P-9 has moved to the major join stage of production with no less than 90 percent of its assembly completed in position; and

the assembly of the aircraft designated as P-14 has begun at the final assembly facility.

No fiscal year 1994 production funds (other than advance procurement funds authorized for fiscal year 1995 production) will be available until:

the Secretary of the Air Force convenes the Scientific Advisory Board to investigate the possibility of conducting a C-141 SLEP and to identify what modifications would be required to extend significantly the fleet's useful life;

the Secretary of Defense convenes a special DAB to review the C-17 program's performance requirements and affordability, based on information developed from an independent COEA; and

the Secretary of Defense submits the results of this review to the congressional defense committees.

The Secretary of Defense must submit a report including a system maturity matrix for the C-17 program by April 1, 1993.

Funding for certain tactical intelligence programs (sec. 141)

The Senate amendment included a provision (sec. 141) that would authorize funding for modernizing either of two existing theater-level, tactical intelligence aircraft system, the EP-3 Aries or RC-135 Rivet Joint. The Department of Defense has requested funding for major upgrades to both aircraft systems: the Navy would upgrade the EP-3 sensor suite and the Air Force would re-engine the RC-135 fleet. The Senate provision was based on the belief that there is unnecessary duplication between the two systems, notwithstanding the fact that these aircraft support an important mission area.

The provision would require the Secretary of Defense to choose one (but not both) of the two systems to modernize, based on each system's ability to support the tactical intelligence needs of the combatant commanders.

The House bill contained no similar provision. The House report (H. Rept. 102-527) recommended no authorization for further modernization of EP-3 aircraft pending an examination of the alternative of a combined Air Force/Navy program using only RC-135 aircraft.

The House recedes with an amendment.

The conferees believe that tactical intelligence support for the combatant commanders is an important mission and that the potential exists to improve overall support through the consolidation directed by the Senate provision. The conferees agree that this consolidation could result in a larger number of either RC-135 or EP-3 aircraft.

The conferees also believe that the scope of the study directed in the Senate report (S. Rept. 102-352) should be expanded to include the potential contribution of other intelligence systems, including tactical systems such as the ES-3 aircraft, C-130 Senior Scout, and national systems such as the U-2 aircraft.

MH-47E/MH-60K helicopter modification programs (sec. 142)

The Senate amendment contained a provision (sec. 142) that would require the necessary operational test and evaluation and survivability testing of the MH-47E and MH-60K helicopters to be completed before full

materiel release of the helicopters for operational use.

The House bill contained no similar provision.

The House recedes.

B-2 bomber program (sec. 151)

The amended budget request contained $2,686.6 million for four new production B-2 bombers, which would complete the program at a total of 20 operational B-2 bombers. Both the House bill and the Senate amendment would fully fund the request.

The House bill would require that, before any of the procurement funds could be obligated, certain B-2 performance and cost reports and certifications be provided by the Secretary of Defense, and, following these, that a provision approving the obligation of funds be enacted into law.

The Senate amendment would require similar performance and cost reports and certifications by the Secretary of Defense before funds could be obligated, but would not require subsequent legislation to permit obligation of those funds.

The conferees recommend that $900.0 million be made available for the B-2 program without restriction. The conferees further recommend that $1,786.6 million be made available only after the required cost and performance reports and certifications have been provided to the congressional defense committees, and after a provision approving the obligation of these funds is enacted into law.

The conferees note that, under the provisions of section 151(d), the Comptroller General is given only 30 days after receipt of the Secretary's required reports to conduct his independent review of those reports and provide his comments thereon to the congressional defense committees. The conferees direct the Secretary to insure that the Comptroller General has timely access to relevant Defense Department data and personnel during the preparation of the required reports.

Modernization of heavy bomber force (sec. 152)

The amended budget request contained $214.9 million for procurement, $50.3 million for modification of in-service aircraft, and $90.7 million for research, development, test and evaluation (RDT&E) for the B-1B bomber. The request also contained $76.7 million in procurement and $13.3 million in RDT&E for B-52 bombers.

The House bill would fully fund all requested amounts and would further provide $15.0 million in RDT&E funds for testing of the HAVE LITE precision air-to-surface missile on the B-52 bomber.

The Senate amendment would provide $50.0 million for procurement, $50.3 million for modification of in-service aircraft, and $24.3 million for RDT&E for the B-1B bomber. In addition, the Senate amendment would provide for the use of $93.6 million in prior-year funds on the B-1 bomber program. The Senate amendment would also authorize $70.0 million for procurement and $13.3 million for RDT&E for the B-52 bomber program, as discussed in the Senate report (S. Rept. 102-352). The Senate amendment also contained a provision (sec. 152) that would require the establishment and execution of additional testing of non-stealthy heavy bombers against conventional defenses.

The conferees recommend $167.4 million for procurement, $50.3 million for modification of in-service aircraft and $86.4 million for RDT&E for the B-1B bomber program. None of the funds authorized for B-1B procurement may be used for procurement for deferred logistics support for the ALQ-161A system. The conferees also recommend $76.7 million in procurement and $28.3 million in RDT&E (including $15.0 million for HAVE LITE testing) for the B-52 bomber program. The conferees further agree to a modified version of the Senate provision on further testing of heavy bombers against conventional defenses.

Chemical demilitarization program (secs. 171-180)

The House bill contained provisions (secs. 171-176) that would revise the chemical weapons stockpile elimination deadline to conform it with U.S. diplomatic and treaty obligations; establish a chemical demilitarization advisory commission to determine which technologies would be appropriate as alternatives to incineration at each of the three low-volume chemical demilitarization sites; direct the Secretary of Defense to develop an alternative disposal program for low-volume sites employing any alternative technology that he determined to be either significantly safer or more cost-effective than the use of the baseline incineration program; direct the Secretary to submit to Congress a revised chemical weapons disposal concept plan incorporating any such alternative technology and reflecting the revised stockpile disposal schedule; prohibit the obligation of any funds for procurement or for facilities planning and design for a chemical weapons disposal facility at a site under consideration for the Secretary's alternative program until he submitted the revised concept plan; and express the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a chemical weapons disposal technology consultation and exchange program with other nations. The House provision also included a technical amendment that would streamline the underlying chemical demilitarization legislation.

The Senate amendment contained a provision (sec. 161) that would change the chemical weapons stockpile elimination deadline from July 31, 1999 to December 31, 2004; direct the Secretary of the Army to submit a report on the potential alternatives to the baseline disassembly and incineration process that addresses the findings of the National Research Council study and the recommendations of the National Academy of Sciences on this subject; prohibit any site preparation or construction of any chemical weapons disassembly and incineration facility at which site preparation or construction had not commenced; and direct the Secretary to submit a report on the destruction of non-stockpile chemical warfare material.

The House recedes with an amendment.

The conferees agree to an amendment that would incorporate the Senate provision on the chemical weapons stockpile elimination date, the report on the destruction of non-stockpile chemical warfare material, the report on alternative technologies, and the limitation on new site preparation or construction pending submission of that report. The conferees agree to exempt from this limitation dual-purpose, depot support construction projects. The amendment would incorporate the House provision on the requirement for the Secretary to use any alternative technology process at any low-volume site for which the Secretary determines that that technology would be significantly safer and equally or more cost-effective and could be incorporated into the stockpile elimination plan without making the revised deadline unachievable. The amendment would also include the House provision requiring submission of a revised disposal concept plan and establishment of a disposal technology consultation and exchange program. Finally, the amendment would establish chemical demilitarization citizens advisory commissions with which the Army must consult at least twice a year.

Physical and chemical integrity of the chemical weapons stockpile (sec. 177)

The Senate amendment contained a provision (sec. 162) that would require the Secretary of the Army to submit to Congress not later than May 1, 1993 a report on the physical and chemical integrity of the chemical weapons stockpile at the eight storage sites in the continental United States.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that, of the funds authorized elsewhere in this act for the chemical demilitarization program, $3.0 million may be used for this purpose.

Armament retooling and manufacturing support initiative (secs. 191-195)

The Senate amendment contained provisions (secs. 1095-1099) that would authorize the Secretary of the Army to carry out an armament retooling and manufacturing support initiative to encourage non-defense commercial firms to use government-owned, contractor-operated ammunition facilities of the Department of the Army.

The House bill contained no similar provisions.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on shipbuilding and conversion

The House bill contained a provision (sec. 108) that would shift $70.0 million from Other Procurement, Navy to Shipbuilding and Conversion, Navy to provide for advance procurement funding for an amphibious assault ship, LHD-6.

The Senate amendment contained no similar provision, but would provide full funding for LHD-6 in fiscal year 1993.

The House recedes.

Revised force structure plan for ICBMs and strategic bombers

The House bill contained a provision (sec. 146) that would prohibit the obligation or expenditure of funds for the redeployment or transfer of operationally deployed Minuteman III missiles from one Air Force base to another until and unless the Secretary of Defense submitted to Congress a plan for restructuring U.S. ICBM and bomber forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees outlining the Defense Department's plan for the restructuring of U.S. strategic forces pursuant to the terms of the Strategic Arms Reduction Treaty (START) and the Joint Understanding on further reductions in strategic offensive arms signed by the United States and Russia on June 17, 1992. The report shall include:

(1) a description of the size and makeup of the strategic nuclear force triad and the rationale for the proposed decisions;

(2) a discussion of the force structure options that were considered in developing such a plan;

(3) for each option discussed under paragraph (2), a statement of the location at which strategic bombers and Minuteman III ICBMs would be deployed and the number of each system at each location;

(4) the cost of each such option, including:

(A) the costs of transferring bomber and missile assets from one operating location to another;

(B) military construction costs associated with such a transfer;

(C) the costs of the conversion of silos from the Minuteman II and Peacekeeper configurations to the Minuteman III configuration; and

(D) the operation and maintenance costs or savings, by operating base, under each option.

(5) a discussion of factors, other than cost, such as survivability, which underlay each of the options;

(6) a discussion of the potential advantages or cost savings associated with dual basing of strategic bombers and missiles;

(7) in the case of any base which currently has a missile wing which the plan proposes to disestablish or move to another base, plans for the disposition of that base or the transfer of the remaining functions or missions at that base, together with a statement of costs associated with any such change; and

(8) a timetable for the initiation of the plan and deadlines for the performance of certain activities, such as silo conversion or missile redeployments.

Modification of F-14 aircraft

The Senate amendment contained a provision (sec. 125) that would authorize the use of unobligated funds appropriated in fiscal year 1992 for modification of F-14 aircraft to be used only for aircraft re-engining.

The House bill contained no similar provision.

The Senate recedes.

The conferees support the intent of the Senate provision, but do not believe that statutory guidance is needed to convey the conferees' intent that the unobligated fiscal year 1992 funds should be used toward the re-engining effort.

The F-14 will remain operational in the fleet for at least the next 20 years. However, the Navy's plan for continued comprehensive modernization of the F-14 fleet remains unclear. Therefore, the conferees direct the Secretary of the Navy to provide a roadmap that outlines an affordable modernization program for the F-14 aircraft.

Trident II missile

The Senate amendment contained a provision (sec. 151) that would establish a funding limitation on Trident II missile procurement.

The House bill contained no such provision.

The Senate recedes.

Space investment strategy

The Senate amendment contained a provision (sec. 154) that would direct the Secretary of Defense to develop a strategy for achieving substantial reductions in the cost of developing, acquiring, and supporting space operations. The provision would further mandate that the Secretary consider options to achieve reductions of up to 25 percent in constant fiscal year 1992 dollars by the year 2000, and would require a report on his strategy by March 1, 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that a legislative provision is not required.

The conferees recognize the importance of space systems to military operations, peacetime intelligence, foreign policy, and crisis support. Space systems now are the mainstay of U.S. national security communications, surveillance, weather services, navigation, and missile warning. The conferees believe that the information collected by and transmitted through space systems is a key factor in force effectiveness and that proportional reductions in the space budget may be unwise.

The conferees note, however, that the declining defense budget will inevitably increase pressure to constrain or reduce spending on space programs whereever possible. The conferees believe that the administration can and must begin planning now to find ways to reduce the cost and increase the efficiency of satellite design, acquisition, launch, and operation. Increased efficiency and decreased costs will likely be necessary in order to sustain current systems and capabilities and almost certainly will be required in order to be able to afford new ones.

At the same time, the conferees believe that the end of the Cold War, technology advances, and budgetary pressures provide opportunities for new approaches to meeting national security and civil space requirements.

The conferees believe therefore that the administration must challenge and discipline the space systems acquisition system to achieve meaningful results. Accordingly, the conferees direct the Secretary of Defense to develop a comprehensive acquisition strategy for developing, fielding, and operating DOD space programs. This strategy should be aimed at reducing costs and increasing efficiencies to ensure that current and future operational requirements can be met despite inevitable budget reductions. This strategy should address policy, requirements, programs, and funding. In particular, the strategy should reflect a review of the following:

New technologies

New launch system technologies could support a surge launch strategy for some national security space systems, reducing the requirement to maintain wartime capacity on orbit during peacetime. This technology also could substantially reduce the cost and personnel required for launch operations. Technologies also exist that could significantly reduce the size and weight of spacecraft, and thereby reduce spacecraft and launch costs. Current technology also would support a higher degree of satellite commonality and standard interfaces, which could reduce costs. Technology and new approaches also could reduce the complexity and expense of satellite control operations. Commercial satellite communications technology and markets may be mature enough to permit the government to reduce its reliance on dedicated military satellites.

Civil-military cooperation

In terms of management initiatives, greater cooperation between the civil and military space programs could yield savings and efficiencies. For example, the Commerce Department and DOD each operate almost identical weather satellites; a cooperative program could permit a reduction in the total number of satellites the government would have to operate, and a single contract would be less expensive. In the longer term, DOD may be able to rely on the commercial sector for satellite navigation services as well—given the explosive growth expected in civil and commercial use of the global positioning satellite (GPS) system. Technology is also rapidly eroding the significance of GPS selective availability, which raises the question of the need for a dedicated military system.

International initiatives

The administration also should consider international initiatives in formerly sensitive areas, such as satellite imaging. Foreign and commercial capabilities are developing rapidly in response to technology advances and increased demand. The administration should consider allowing U.S. industry to compete in this arena to help preserve the U.S. industrial base and potentially reduce costs to the U.S. government.

Affordability

The Department also must review requirements and plans for existing and prospective programs from the perspective of affordability. For instance, a number of major space programs have been chronically underfunded in the Future Year Defense Program. These programs must either be fully funded at the expense of other efforts, reduced in scope or quantity, or terminated. New technology thrusts also envision new and expensive space-based capabilities; the conferees are not persuaded that DOD will be able to afford them unless substantial savings are made in other programs.

Tradeoffs

The Secretary should examine where cost-effective tradeoffs might be made between space- and non-space-based solutions to particular requirements, especially for communications. The reduction in the threat of a global nuclear war has reduced concerns about satellite and ground support vulnerability. It has also reduced concern, however, about relying on fixed means of communications. At the same time, the next decade will likely bring a dramatic expansion of international fiber optic cable networks, which could reduce DOD reliance on satellite communications. Technologies for inexpensive, high altitude, long endurance airborne platforms which could serve as communications platforms for mobile, intra-theater communications, also could reduce reliance on satellite systems.

For these reasons, the conferees direct the Secretary of Defense, in consultation with the National Space Council and other appropriate agencies and departments, to prepare a report which describes the results of the above-mentioned reviews of DOD space policy, technology, funding, and management issues. In addition, the Secretary's report shall develop alternative space programs that maximize capabilities in the year 2000 at a range of funding levels up to 15 percent less than the baseline cost on an average annual basis (using the fiscal year 1992 Future Year Defense Program as the baseline). As an excursion in presenting these alternatives, the Secretary may show underfunded programs, such as the national aerospace plane and the follow-on early warning system, in the baseline program as though they were fully funded. The Secretary shall provide an analysis of the advantages and disadvantages of the alternative programs, including any impact on the industrial base, the extent to which they meet requirements, and possible revisions to the military departments' roles and missions, along with a recommendation of his preferred strategy and program. The Secretary's report shall be submitted by April 15, 1993, in both classified and unclassified formats.

Ground wave emergency network

The Senate amendment contained a provision (sec. 155) that would extend until October 1, 1993 the earliest date by which funds could be obligated or expended for the construction of the ground wave emergency network (GWEN).

The House bill contained no similar provision.

The Senate recedes.

AN/SLQ–32 electronic warfare systems

The Senate amendment contained a provision (sec. 122) that would preclude obligating any funds for the AN/SLQ–32A (V)3 electronic warfare system until the Commander, Operational Test and Evaluation Force, had determined that the system has been proven operationally effective during operational testing.

The House bill contained no similar provision.

The Senate recedes. The required operational testing has now been completed and has shown that the AN/SLQ–32A (V)3 system is operationally effective.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (RDT&E)

Overview

The amended budget request for fiscal year 1993 contained an authorization of $38,812.7 million for research, development, test, and evaluation in the Department of Defense. The House bill would authorize $38,429.8 million. The Senate amendment would authorize $38,965.9 million. The conferees recommend authorization of $39,613.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

RESEARCH AND DEVELOPMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,414.5 million or Army research, development, test, and evaluation. The House bill would authorize $5,481.1 million. The Senate amendment would authorize $5,307.7 million. The conferees recommended authorization of $5,919.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL ARMY								
1	61101A	IN-HOUSE LABORATORY INDEP RESEARCH	6,697		6,697		6,697			6,697
2	61102A	DEFENSE RESEARCH SCIENCES	166,645	-20,000	146,645	22,500	189,145	-42,500	51,532	218,177
3	61104A	ELECTROMECHANICS & HYPERVELOCITY PHYSICS	3,888		3,888		3,888			3,888
4	62104A	TRACTOR ROSE	3,577		3,577		3,577			3,577
5	62105A	MATERIALS TECHNOLOGY	13,983		13,983	4,000	17,983	-4,000	4,000	17,983
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	19,204		19,204		19,204			19,204
7	62122A	SURVIVABILITY ENHANCEMENT	14,551		14,551	10,000	24,551	-10,000	3,000	17,551
8	62123A	TRACTOR FIELD	[ ]							
9	62211A	AVIATION TECHNOLOGY	46,611		46,611		46,611			46,611
10	62270A	EW TECHNOLOGY	[ ]							
11	62303A	MISSILE TECHNOLOGY	33,164		33,164		33,164			33,164
12	62307A	LASER WEAPONS TECHNOLOGY	585		585		585			585
13	62308A	MODELING AND SIMULATION		5,000	5,000	3,000	3,000	2,000	3,500	3,500
14	62601A	COMBAT VEHICLE & AUTOMOTIVE TECHNOLOGY	46,992	38,000	84,992	9,000	55,992	29,000	38,000	84,992
15	62618A	BALLISTICS TECHNOLOGY	59,391		59,391	10,000	69,391	-10,000		59,391
16	62622A	CHEMICAL, SMOKE AND EQUIP DEFEATING TECH	47,727		47,727		47,727			47,727
17	62623A	JOINT SERVICE SMALL ARMS PROGRAM	4,786		4,786		4,786			4,786
18	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	37,270		37,270		37,270			37,270
19	62705A	ELECTRONICS AND ELECTRONIC DEVICES	18,011	4,950	22,961		18,011	4,950	3,350	21,361
20	62709A	NIGHT VISION TECHNOLOGY	35,706		35,706	5,000	40,706	-5,000	5,000	40,706
21	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	10,568		10,568		10,568			10,568
22	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	18,447	24,000	42,447	39,500	57,947	-15,500	33,500	51,947
23	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	8,483		8,483		8,483			8,483
24	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	24,301		24,301		24,301		-2,457	21,844
25	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	3,094	15,000	18,094		3,094	15,000		3,094
26	62784A	MILITARY ENGINEERING TECHNOLOGY	45,879		45,879	5,000	50,879	-5,000		45,879
27	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,966		15,966		15,966			15,966
28	62786A	LOGISTICS TECHNOLOGY	36,241		36,241		36,241			36,241
29	62787A	MEDICAL TECHNOLOGY				2,000	2,000	-2,000	109,764	109,764
30	62788A	TRACTOR FLOP	1,672		1,672		1,672			1,672
		MPIM TECHNOLOGY								
31	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	3,301		3,301		3,301			3,301
996		TECH BASE CLASSIFIED	26,590		26,590		26,590			26,590
32	62813A	TRACTOR PULL	25,882	-9,000	16,882	-9,100	16,782	100	-9,100	16,782

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
33	63001A	LOGISTICS ADVANCED TECHNOLOGY	11,289		11,289	5,000	16,289	-5,000		11,289
34	63002A	MEDICAL ADVANCED TECHNOLOGY							36,172	36,172
35	63003A	AVIATION ADVANCED TECHNOLOGY	38,532	2,000	40,532	4,000	42,532	-2,000	2,000	40,532
36	63004A	WEAPONS AND MUNITIONS ADVANCED TECH	49,074	13,400	62,474	8,400	57,474	5,000	18,400	67,474
37	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	44,825		44,825		44,825			44,825
38	63006A	COMMAND, CONTROL, COMMUNIC ADV TECH	15,350		15,350		15,350		-2,500	12,850
39	63007A	HUMAN FACTORS/PERSONNEL/TRAIN ADV TECH	16,900		16,900		16,900			16,900
40	63009A	CLASSIFIED PROGRAM	6,721		6,721		6,721			6,721
41	63012A	TRACTOR HOLE	21,636		21,636	3,500	25,136	-3,500		21,636
42	63013A	TRACTOR DIRT	3,422		3,422		3,422			3,422
43	63017A	TRACTOR RED	989	1,100	2,089	6,100	7,089	-5,000	1,100	2,089
44	63102A	MATERIALS AND STRUCTURES ADVANCED TECH	3,177		3,177	3,500	6,677	-3,500	3,500	6,677
45	63105A	AIDS RESEARCH							23,247	23,247
46	63238A	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
47	63270A	EW TECHNOLOGY	8,936		8,936		8,936			8,936
48	63271A	TRACTOR NAIL								
49	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	21,165		21,165	8,000	29,165	-8,000		21,165
49a	63313A	LOSAT				122,848	122,848	-122,848	122,848	122,848
50	63314A	DIRECTED ENERGY								
51	63322A	TRACTOR CAGE	24,455		24,455		24,455			24,455
52	63393A	TRACTOR TRAILER								
53	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	19,133	6,200	25,333	10,000	29,133	-3,800		19,133
54	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,772		5,772		5,772			5,772
55	63710A	NIGHT VISION ADVANCED TECHNOLOGY	28,436	4,000	32,436	18,000	46,436	-14,000	18,000	46,436
56	63734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,404		3,404		3,404			3,404
57	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT	6,645		6,645		6,645			6,645
58	63759A	CHEMICAL BIOLOGICAL DEFENSE & SMOKE ADV	3,496		3,496		3,496			3,496
59	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	22,441		22,441		22,441			22,441
60	63392A	ANTI-SATELLITE WEAPON (ASAT)	24,768	-24,768			24,768	-24,768		24,768
61	12814A	SPECIAL PROGRAMS	[ ]			[-2,887]			[-5,387]	
62	12830A	CLASSIFIED PROGRAM	[ ]	[25,000]						
63	12831A	CLASSIFIED PROGRAM	[ ]							
64	33152A	WWMCCS INFORMATION SYSTEM	[ ]							
997		STRATEGIC CLASSIFIED	19,009	25,000	44,009	-2,887	16,122	27,887	-5,387	13,622
65	63018A	TRACTOR TREAD	9,199	3,000	12,199	13,000	22,199	-10,000	3,000	12,199

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
66	63019A	TRACTOR DUMP	4,269		4,269		4,269			4,269
67	63053A	FUTURE COMMAND AND CONTROL VEHICLE	21,565		21,565		21,565			21,565
68	63303A	SURFACE-TO-SURFACE MISSILE ROCKET SYS								
69	63393A	TRACTOR TRAILER								
70	63604A	NUCLEAR MUNITIONS - ADV DEV	[ ]							
71	63612A	ADVANCED ANTI-TANK WEAPON SYSTEMS								
72	63619A	LANDMINE WARFARE AND BARRIER - ADV DEV	13,497		13,497		13,497			13,497
73	63627A	SMOKE, OBSCURANT & EQUIP DEFEATING SYS -	18,941		18,941		18,941			18,941
74	63639A	ARMAMENT ENHANCEMENT INITIATIVE	[ ]			[4,000]			[4,000]	
75	63640A	ARTILLERY PROPELLENT DEVELOPMENT	7,057		7,057		7,057			7,057
76	63645A	ARMORED SYSTEM MODERNIZATION - ADV DEV	367,262	-35,000	332,262	-35,000	332,262		-35,000	332,262
76a	63645A	ADV AUTOMOTIVE DEVELOPMENT FOR ASM				10,000	10,000	-10,000	10,000	10,000
77	63649A	ENGINEERING MOBILITY EQUIPMENT - ADV DEV	12,155		12,155		12,155			12,155
78	63713A	ARMY DATA DISTRIBUTION SYSTEM	13,409		13,409		13,409			13,409
79	63730A	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	14,937	-7,600	7,337		14,937	-7,600	-7,600	7,337
80	63745A	TACTICAL ELECTRONIC SUPPORT SYS - ADV DE	3,107		3,107		3,107			3,107
81	63746A	SINCGARS ADVANCED DEVELOPMENT	214		214	5,000	5,214	-5,000	5,000	5,214
82	63747A	SOLDIER SUPPORT AND SURVIVABILITY	7,921		7,921	6,000	13,921	-6,000	6,000	13,921
83	63754A	CLASSIFIED PROGRAM - ADV DEV	[ ]							
84	63757A	FORWARD AREA AIR DEFENSE (FAAD) SYSTEM								
85	63766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	14,813		14,813		14,813			14,813
86	63774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP	7,868		7,868		7,868			7,868
87	63801A	AVIATION - ADV DEV	14,029	3,200	17,229		14,029	3,200	3,200	17,229
88	63802A	WEAPONS AND MUNITIONS - ADV DEV								
89	63804A	LOGISTICS & ENGINEER EQUIPMENT - ADV DEV	15,304		15,304		15,304			15,304
90	63805A	COMBAT SERVICE SUPPORT COMPUTER SYS EVAL	19,805		19,805		19,805			19,805
91	63806A	CHEMICAL/BIOLOGICAL DEFENSE EQ- ADV DEV	36,033		36,033		36,033			36,033
92	63807A	MEDICAL SYSTEMS - ADV DEV							29,042	29,042
93	63808A	CLASSIFIED PROGRAM								
94	63810A	ADVANCED MISSILE SYSTEM-HEAVY								
95	63811A	METEOROLOGICAL DATA SYSTEMS	4,288		4,288		4,288			4,288
96	63813A	TRACTOR PULL								
97	64202A	AIRCRAFT WEAPONS								
98	64220A	ARMED, DEPLOYABLE OH-58D								
99	64223A	LIGHT ARMED SCOUT HELICOPTER	443,007		443,007	-425,000	18,007	425,000		443,007

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64270A	EW DEVELOPMENT	[ ]							
101	64321A	ALL SOURCE ANALYSIS SYSTEM	50,754		50,754		50,754			50,754
102	64603A	NUCLEAR MUNITIONS - ENG DEV	4,801		4,801		4,801			4,801
103	64604A	MEDIUM TACTICAL VEHICLES	2,941		2,941		2,941			2,941
104	64609A	SMOKE, OBSCURANT & EQUIP SYS- ENG DEV	11,309		11,309		11,309			11,309
105	64611A	JAVELIN (AAWS-M)	91,440		91,440	10,000	101,440	-10,000	10,000	101,440
106	64619A	LANDMINE WARFARE	24,187	7,600	31,787		24,187	7,600		24,187
107	64622A	HEAVY TACTICAL VEHICLES	961	1,000	1,961		961	1,000	1,000	1,961
108	64630A	ADVANCED TANK CANNON (ATAC)	41,526	-41,526		-31,500	10,026	-10,026	-24,526	17,000
109	64633A	AIR TRAFFIC CONTROL	2,463		2,463		2,463			2,463
110	64645A	ARMORED SYSTEMS MODERNIZ (ASM)-ENG. DEV.	76,182		76,182		76,182			76,182
111	64649A	ENGINEERING MOBILITY EQUIPMENT	2,238		2,238		2,238			2,238
112	64709A	IDENTIFICATION-FRIEND-OR-FOE - ENG DEV								
113	64710A	NIGHT VISION SYSTEMS - ENG DEV	25,325		25,325		25,325			25,325
114	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	9,463		9,463	18,000	27,463	-18,000	18,000	27,463
115	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	42,551		42,551		42,551			42,551
116	64723A	SPECIAL PURPOSE DETECTORS								
117	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYS	958		958		958			958
118	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	20,036		20,036		20,036		7,600	27,636
119	64741A	AIR DEFENSE COMMAND/CONTROL/INTEL ENG DE	40,505		40,505		40,505			40,505
120	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,461	9,000	17,461		8,461	9,000	9,000	17,461
121	64754A	CLASSIFIED PROGRAM - ENG DEV								
122	64766A	TACT ELECTRONIC SURVEILLANCE SYS ENG DEV	34,136		34,136		34,136			34,136
123	64767A	TRACTOR JEWEL	74,206		74,206	22,000	96,206	-22,000	22,000	96,206
124	64768A	TRACTOR MARK	121,459		121,459		121,459			121,459
125	64769A	TRACTOR HELM								
126	64770A	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	31,213		31,213	35,000	66,213	-35,000	20,000	51,213
127	64801A	AVIATION - ENG DEV	16,229		16,229		16,229			16,229
128	64802A	WEAPONS AND MUNITIONS - ENG DEV	5,113		5,113		5,113			5,113
129	64804A	LOGISTICS & ENGINEER EQUIPMENT - ENG DEV	22,083		22,083		22,083			22,083
130	64805A	COMMAND, CONTROL, COMMUNIC SYS-ENG DEV	7,566		7,566		7,566			7,566
131	64806A	CHEMICAL/BIO DEFENSE EQUIP - ENG DEV	41,551		41,551		41,551			41,551
132	64807A	MEDICAL MATERIEL/MEDICAL BIO DEF EQ-ENG							20,209	20,209
133	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	2,947		2,947		2,947			2,947
134	64810A	FIBER OPTIC GUIDED MISSILE - ENG DEV								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	64812A	CLASSIFIED PROGRAM								
136	64814A	SENSE AND DESTROY ARMAMENT MISSILE - ENG	63,037		63,037		63,037		29,000	92,037
137	64816A	LONGBOW - ENG DEV	281,802		281,802	25,000	306,802	-25,000	25,000	306,802
138	64817A	TRACTOR CRASH/BALL	27,570		27,570		27,570			27,570
139	64818A	ARMY TACT COMMAND & CONTROL SYS (ATCCS)	20,575		20,575		20,575			20,575
140	64819A	LOSAT	122,848		122,848	-122,848		122,848	-122,848	
141	64820A	RADAR DEVELOPMENT	18,656		18,656		18,656			18,656
142	65710A	JOINT CB POINT OF CONTACT, TEST AND ASSE	5,702		5,702		5,702			5,702
143	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	41,632		41,632		41,632			41,632
144	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	22,558	58,600	81,158	26,800	49,358	31,800	-4,258	18,300
145	23740A	MANEUVER CONTROL SYSTEM	28,467		28,467		28,467			28,467
146	23743A	155MM SELF-PROPELLED HOWITZER IMPROVE								
147	23744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVE P	4,821	3,000	7,821	3,000	7,821		3,000	7,821
148	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	6,676		6,676		6,676			6,676
149	23755A	FIELD ARTILLERY AMMUNITION SUPPORT VEHIC								
150	23801A	MISSILE/AIR DEFENSE PIP	56,315		56,315		56,315			56,315
151	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	16,429	2,000	18,429		16,429	2,000	2,000	18,429
152	23806A	TRACTOR RIG	5,826		5,826		5,826			5,826
153	23808A	TRACTOR CARD	7,011		7,011		7,011			7,011
154	27316A	TACIT RAINBOW								
155	28010A	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	7,592		7,592		7,592			7,592
		ROCKET SYSTEMS								
998		TACTICAL CLASSIFIED	149,273		149,273	4,000	153,273	-4,000	4,000	153,273
156	64716A	TERRAIN INFORMATION - ENG DEV	12,171		12,171		12,171			12,171
157	64778A	POSITIONING SYSTEMS DEVELOPMENT	9,873		9,873		9,873			9,873
158	31359A	SPECIAL ARMY PROGRAM	[ ]							
159	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	6,470		6,470		6,470			6,470
160	33142A	SATCOM GROUND ENVIRONMENT	137,027		137,027	-17,800	119,227	17,800	-15,000	122,027
161	35127A	FOREIGN COUNTER-INTELLIGENCE ACTIVITIES	[ ]							
162	35889A	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
999		INTEL & COMMUNICATIONS CLASSIFIED	11,218		11,218		11,218			11,218
163	65103A	RAND ARROYO CENTER	20,164		20,164		20,164			20,164
164	65301A	ARMY KWAJALEIN ATOLL	184,454	-25,000	159,454		184,454	-25,000		184,454
165	65502A	SMALL BUSINESS INNOVATIVE RESEARCH								
166	65601A	ARMY TEST RANGES AND FACILITIES	160,243		160,243		160,243			160,243

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
167	65602A	ARMY TECHNICAL TEST INSTRUMENTATION AND	76,499		76,499		76,499			76,499
168	65603A	ARMY USER TEST INSTRUMENTATION & THREAT	46,318		46,318		46,318			46,318
169	65604A	TECHNOLOGY AND VULNERABILITY ASSESSMENT	44,285		44,285		44,285			44,285
170	65605A	DOD HIGH ENERGY LASER TEST FACILITY	17,852		17,852	10,000	27,852	-10,000	10,000	27,852
171	65702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIV	18,832		18,832		18,832			18,832
172	65706A	MATERIEL SYSTEMS ANALYSIS	22,858		22,858		22,858			22,858
173	65709A	EXPLOITATION OF FOREIGN ITEMS	19,650		19,650		19,650			19,650
174	65712A	SUPPORT OF OPERATIONAL TESTING	60,375		60,375		60,375			60,375
175	65801A	PROGRAMWIDE ACTIVITIES	86,420		86,420		86,420		3,495	89,915
176	65802A	INTERNATIONAL COOPERATIVE R&D	1,925		1,925		1,925			1,925
177	65803A	TECHNICAL INFORMATION ACTIVITIES	23,429		23,429		23,429			23,429
178	65805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS	16,783		16,783		16,783			16,783
179	65810A	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	6,092		6,092		6,092			6,092
180	65856A	ENVIRONMENTAL COMPLIANCE	42,507		42,507	20,000	62,507	-20,000		42,507
181	65872A	PRODUCTIVITY INVESTMENTS	7,547		7,547		7,547			7,547
182	65876A	MINOR CONSTRUCTION (RPM) - RDT&E	3,900		3,900		3,900			3,900
183	65878A	MAINTENANCE AND REPAIR (RPM) - RDT&E	63,793		63,793		63,793			63,793
184	65894A	REAL PROPERTY MAINTENANCE - RDT&E							25,000	25,000
185	65896A	BASE OPERATIONS - RDT&E	308,567		308,567		308,567			308,567
186	65898A	MANAGEMENT HEADQUARTERS (R&D)	8,661		8,661		8,661		5,452	14,113
187	78011A	INDUSTRIAL PREPAREDNESS	19,703	-12,703	7,000	-19,703		7,000	-17,703	2,000
187a	68011A	MANUFACTURING TECHNOLOGY DEVELOPMENT		41,203	41,203			41,203	49,000	49,000
187b		MANUFACTURING TECHNOLOGY INITIATIVE				61,000	61,000	-61,000		
188	99999A	FINANCING FOR CANCELLED ACCOUNT ADJUST								
		PURCHASES FROM DBOF				-8,530	-8,530	8,530	-8,530	-8,530
		TRAVEL				-2,513	-2,513	2,513	-2,513	-2,513
		EXCESS INVENTORY							-4,218	-4,218
		CIVILIAN PERSONNEL BENEFITS							2,300	2,300
		INFLATION ADJUSTMENT							-8,000	-8,000
		TOTAL RDT&E ARMY	5,414,477	66,656	5,481,133	-106,733	5,307,744	173,389	504,571	5,919,048

Army defense research sciences

The amended budget request included $166.6 million for Army defense research sciences.

The House bill would reduce the Army program by $20.0 million.

The Senate amendment would increase the program by $22.5 million to add funding for the Department of Defense Dependents Schools (DODDS) Director's fund for mathematics, science, and engineering and rotocraft centers of excellence.

The conferees recommend that the program be increased by $2.5 million to $169.1 million, which includes $20.0 million for DODDS and $2.5 million for rotocraft centers of excellence. The conferees also agree to restore the medical research originally contained in this line prior to the fiscal year 1993 budget request. The conferees agree to a net total of $218.2 million.

Modeling and simulation

The House bill would authorize $5.0 million for modeling and simulation (program element 602308A).

The Senate amendment would authorize $3.0 million for this activity.

The conferees recommend an authorization of $3.5 million as follows: $3.0 million for the use of simulation in the upcoming Louisiana maneuvers, and $.5 million for a competitive grant to an institution of higher education to purchase simulation research equipment in the areas of geographic information, digital mapping, and remote sensing.

Combat vehicle and automotive technology

The amended budget request included $47.0 million for combat vehicle and automotive technology.

The House bill would add $38.0 million to this amount for electric powered vehicles, natural gas powered vehicles, ground vehicle mobility, gear technology, and the center of excellence for diesel engine research.

The Senate amendment would add $9.0 million for ground vehicle mobility and diesel engine research.

The Senate recedes. The conferees encourage Army support of the McClellan Air Force Base/SMUD electric vehicle demonstration project.

Environmental quality technology

The amended budget request contained $18.4 million for environmental quality technology.

The House bill would add $24.0 million to this amount for a center for geosciences, biodegradable agricultural products, and bioremediation education science and technology centers.

The Senate amendment would add $39.5 million for biodegradable agricultural products, biodegradable food packaging, a research program at Jefferson Proving Ground to develop detection and removal technologies for removing unexploded ordnance, and the continuation of programs started in fiscal year 1992.

The conferees agree that the center for geosciences should be funded from the program element 602784A and authorize $5.0 million for that purpose. The conferees further agree to an overall increase of $33.5 million to program element 602720A to fund the other projects directed in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Weapons and munitions advanced technology

The amended budget request included $49.1 million for weapons and munitions advanced technology.

The House bill would add $13.4 million to this amount for 155mm gun range extension and 52 caliber burst capability.

The Senate amendment would add $8.4 million for the XM 982 155mm extended range projectile and bunker defeat munitions.

The conferees agree to authorize $67.5 million for all of these projects, as indicated in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Global surveillance/air defense/precision strike

The amended budget request contained $50.0 million for three projects in the area of global surveillance/air defense/precision strike.

The House bill would recommend $25.0 million for these projects.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $25.0 million. The conferees note that there are two projects within this program element that would modify the existing Stinger air defense missile, and a third classified project. The conferees believe the reduction should be applied to the three programs in a manner that the Army determines meets its highest priorities.

The conferees express their reservation about the feasibility of a laser-guided Stinger missile. The Army has indicated the primary purpose of this missile would be for air-to-air engagements, yet there is no analysis or evaluation of how difficult it would be for one helicopter to hold a laser beam on another helicopter when both helicopters are maneuvering simultaneously. The conferees suggest that the Army undertake an evaluation of such a capability in the SIMNET-D facility prior to programming any significant funds for such an effort.

Line-of-sight anti-tank missile

The amended budget request contained $122.8 million to initiate full-scale development of the Army's line-of-sight anti-tank (LOSAT) missile.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested funds, but based on the Army's subsequent recommendation, would shift those funds to an advanced development program element. The Army informed the Senate that it would not be able to proceed with full-scale development during fiscal year 1993.

The House recedes.

The conferees concur with the recommendation in the Senate report (S. Rept. 102-352) that the Army utilize this opportunity to restructure the LOSAT program to emphasize a smaller missile design that would retain overwhelming lethality at half the weight and size of the current missile design.

Landmine warfare and barrier advanced technology

The amended budget request contained $19.1 million for advanced development in the area of landmine warfare and barrier advanced technology.

The House bill would authorize the requested amount, and also would authorize an additional $6.2 million to integrate all heavy assault bridge candidates to a comparable level on an M-1 chassis prior to conducting a competitive evaluation for production in fiscal year 1994.

The Senate amendment would authorize the requested amount, and also would authorize an additional $10.0 million to accelerate advance development of promising countermine technologies.

The conferees recommend an authorization of the budget request of $19.1 million.

Concerning the $6.2 million for the assault bridge, the conferees understand that the Army has revised its acquisition strategy and that additional funds are not needed to ensure a fair and equitable competition for this program. The conferees wish to see the Army provide for sufficient funding for this program in the fiscal year 1994 Future Year Defense Program. To ensure that the heavy assault bridge program is proceeding in a manner that is consistent with previous congressional direction, the Army is directed to provide the congressional defense committees a progress report not later than March 31, 1993.

Concerning the additional $10.0 million to accelerate advanced development of countermine technologies, the conferees note that no additional funds will be appropriated for countermine warfare, so an authorization of additional funds would be pointless.

Advanced automotive development

The Senate amendment would authorize $10.0 million for collaborative advanced development of sub-systems and components for future combat vehicles by adapting ongoing research and development in the private automotive industry.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million for this program and concur in the directions contained in the Senate report (S. Rept. 102-352).

Force provider

The amended budget request contained $2.3 million to procure a set of transportable facilities to provide hot showers, comfortable dining facilities, and air conditioned sleeping quarters for troops in the field. The program, called force provider, was a direct response to the Army's experience in Operation Desert Shield. The funds were contained in the Army's soldier enhancement program. The total cost of the program was $6.0 million, and the Army planned to reprogram the remainder.

The House bill would authorize the funds as requested.

The Senate report (S. Rept. 102-352) indicated that the Senate did not consider the program appropriate for the soldier enhancement program, but that it did support the concept. The Senate amendment would provide $6.0 million for the total cost of the program in program element 603747A.

The conferees recommend an authorization of $6.0 million.

Light armed scout helicopter

The amended budget request contained $433.0 million to continue prototype development of a new generation light armed scout helicopter for the Army.

The House bill would authorize the funds as requested.

The Senate amendment would terminate the program. The Senate noted that the Administration adopted a new acquisition strategy that abandoned any plans to develop the helicopter after the prototype state. The Senate concluded that the Administration's request to spend $1.9 billion to develop three prototype helicopters was not prudent since there were no plans to procure the helicopter. The Senate also noted that $1.9 billion could better be used to modernize the entire fleet of AH-64 attack helicopters.

The Senate recedes with language.

The conferees share the Senate's concern with the limitations in the current Department of Defense approach to acquisition strategy for next generation weapon systems.

The conferees fully support affordable prototyping, and also support continued de-

velopment of the Comanche. However, the conferees are concerned that the costs associated with the existing prototyping strategy may be excessive unless there is a plan to complete the development.

The conferees therefore direct that no more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies that the fiscal year 1994 future year defense program contains funds to continue engineering and manufacturing development of the RAH-66.

Javelin missile

The amended budget request included $91.4 million to continue engineering and manufacturing development of the Javelin anti-armor missile.

The House bill would authorize the requested amount.

The Senate amendment would authorize $101.4 million, with the additional $10.0 million provided to accelerate the introduction of certain design changes that offer significant savings during production.

The House recedes.

The conferees note that the secretary of defense, in his *1992 Annual Report to the President and the Congress*, stated that the range and lethality of modern weapons and the value that America places on the lives of our personnel require improvements in the ability to identify opposing forces and distinguish friend from foe. The report noted that the introduction of second-generation, forward looking infrared (FLIR) sensors in systems such as the Javelin will enable U.S. forces to detect and identify enemy formations at increased range in day or night.

The conferees note that while the operational test and evaluation of the Javelin is scheduled to begin in August 1993, there are currently no plans to test the ability of the system to identify friend or foe. Therefore, the conferees recommend that the Secretary of the Army evaluate the ability of the Javelin to identify friend from foe during the operational testing program. Based on the results of those tests, it is further recommended that the Secretary of the Army initiate development of a training program to maximize the ability of the soldier using the Javelin system to distinguish friend from foe.

Advanced tank cannon system (ATACS)

The amended budget request contained $41.5 million to continue development of an advanced tank cannon for a future generation Army tank.

The House bill would deny any authorization for the program, noting that Army had terminated any plans to develop a future generation tank.

The Senate amendment would authorize $10.0 million in order to complete an orderly phase-out of the program and to document what technical breakthroughs had been accomplished in the program.

The conferees understand that while this program was structured to develop a next generation cannon, it also funded most of the Army's generic tank cannon technologies. The conferees believe it is necessary to continue to fund some of those generic technologies for future cannon applications.

The conferees note, however, that the Army has no concrete management focus for the restructured program. Currently the Army is orienting component programs toward a nominal year 2000 fielding date if a subsequent decision is made to incorporate these technologies in future modification programs.

The conferees note that the Congress has consistently supported a cost-effective modernization program for the Army's tanks and believe the ATACS program should be structured accordingly. The conferees recommend an authorization of $17.0 million. The conferees also direct the Army to identify a roadmap by which the technologies proposed for continued development in this program element will be inserted at the earliest practical date in an ongoing tank modernization program.

Army manufacturing technology

The amended budget request included $19.7 million for Army manufacturing technology (MANTECH).

The House bill would authorize $48.2 million for Army manufacturing technology.

The Senate amendment would authorize $61.0 million for Army manufacturing technology.

The conferees recommend $51.0 million for manufacturing technology, which would include the projects added by the House and described in the House Report (H. Rept. 102-527) and other projects in the Army's MANTECH plan. The conferees also agree that the ductile iron research which was included in Army manufacturing technology in the House report (H. Rept. 102-527) will be funded in program element 603102A.

The conferees agree that the $51.0 million should be divided as follows:

	Million
Program element 708011A ..	$2.0
Program element 608011A ..	49.0

Kinetic energy anti-satellite system

The amended budget request included $24.8 million for the Army to develop a kinetic energy (KE) anti-satellite (ASAT) missile system.

The House bill would deny authorization for this request.

The Senate amendment would authorize the requested amount.

The House recedes. In providing these funds, the conferees note that the Army's current kinetic ASAT weapon system is being developed to counter Soviet (now Russian) satellites. At the same time, the number of Third World nations that are gaining access to data derived from satellites or that have plans for developing their own satellites is growing. Such satellite capability is extremely valuable, as was demonstrated by the performance of U.S. satellites during Operation Desert Shield/Desert Storm.

For these reasons, the conferees direct the U.S. Space Command to prepare a new operational requirements document (ORD) for the Army KE ASAT program. The conferees also direct the Secretary of Defense to review the updated ORD and restructure the KE ASAT program as necessary. Finally, the conferees direct the Secretary of Defense to submit to the congressional defense committees not later than March 15, 1993 a copy of the updated ORD, together with a report describing the restructured KE ASAT program.

RESEARCH AND DEVELOPMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $8,517.8 million for Navy research, development, test, and evaluation. The House bill would authorize $8,802.3 million. The Senate amendment would authorize $8,921.8 million. The conferees recommend authorization of $8,984.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL NAVY								
1	61152N	IN-HOUSE INDEPENDENT LABORATORY RESCH	16,180		16,180		16,180			16,180
2	61153N	DEFENSE RESEARCH SCIENCES	457,389	-45,000	412,389	-50,000	407,389	5,000	-45,000	412,389
3	62111N	ANTI-AIR WARFARE/ANTI-SURFACE WAR TECH	86,931	-15,000	71,931	-10,000	76,931	-5,000	-15,000	71,931
4	62121N	SURFACE SHIP TECHNOLOGY	26,113		26,113	-5,000	21,113	5,000		26,113
5	62122N	AIRCRAFT TECHNOLOGY	25,821		25,821	-5,000	20,821	5,000	-5,000	20,821
6	62131M	MARINE CORPS LANDING FORCE TECHNOLOGY	21,019		21,019	-2,000	19,019	2,000	-2,000	19,019
7	62232N	COMMAND/CONTROL/COMMUNICATIONS TECH	22,627		22,627	-5,000	17,627	5,000	-5,000	17,627
8	62233N	MISSION SUPPORT TECHNOLOGY	36,118	-2,500	33,618		36,118	-2,500	4,330	40,448
9	62234N	SYSTEMS SUPPORT TECHNOLOGY	93,810	5,000	98,810	-15,000	78,810	20,000	-15,000	78,810
10	62270N	ELECTRONIC WARFARE TECHNOLOGY	18,474		18,474		18,474			18,474
11	62314N	UNDERSEA SURVEILLANCE & WEAPONS TECH	146,194	-15,000	131,194		146,194	-15,000	-15,000	131,194
12	62315N	MINE AND SPECIAL WARFARE TECHNOLOGY	45,536	-5,000	40,536		45,536	-5,000		45,536
13	62323N	SUBMARINE TECHNOLOGY	21,476	-5,000	16,476		21,476	-5,000	-4,297	17,179
14	62324N	NUCLEAR PROPULSION	15,876	-5,000	10,876		15,876	-5,000	-5,000	10,876
15	62435N	OCEAN AND ATMOSPHERIC SUPPORT TECH	49,593		49,593	-4,000	45,593	4,000		49,593
16	62936N	INDEPENDENT EXPLORATORY DEVELOPMENT	12,946	-5,000	7,946		12,946	-5,000	-5,000	7,946
17	63217N	AIR SYSTEMS ADVANCED TECHNOLOGY DEVELOP	20,079	10,077	30,156		20,079	10,077	10,077	30,156
18	63238N	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
19	63270N	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	30,814	-15,000	15,814		30,814	-15,000	-15,000	15,814
20	63508N	SHIP PROPULSION SYSTEM	4,501		4,501		4,501			4,501
21	63555N	UNDERSEA SUPERIORITY TECHNOLOGY DEMONS	100,000	-50,000	50,000	-14,000	86,000	-36,000	-42,000	58,000
22	63573N	ELECTRIC DRIVE								
23	63640M	MARINE CORPS ADV TECH DEMONSTRATION (ATD	23,138	-5,000	18,138		23,138	-5,000		23,138
24	63706N	MEDICAL DEVELOPMENT	4,250		4,250		4,250		12,449	16,699
25	63707N	MANPOWER, PERSONNEL & TRAINING ADV TECH	18,458		18,458		18,458			18,458
26	63712N	GENERIC LOGISTICS R&D TECHNOLOGY DEMONS	16,551		16,551		16,551			16,551
27	63732M	MARINE CORPS ADVANCED MANPOWER/TRAINING	3,659		3,659		3,659			3,659
28	63747N	ADVANCED ANTI-SUBMARINE WARFARE TECH	49,666		49,666		49,666			49,666
29	63782N	SHALLOW WATER MCM DEMOS	10,625		10,625		10,625		4,200	14,825
30	63792N	ADVANCED TECHNOLOGY TRANSITION	84,682	-15,000	69,682	5,000	89,682	-20,000	-10,000	74,682
31	63794N	C3 ADVANCED TECHNOLOGY	2,110		2,110		2,110			2,110
32	63451N	TACTICAL SPACE OPERATIONS	2,015		2,015		2,015			2,015
33	63588N	SSBN SURVIVABILITY	17,369		17,369		17,369			17,369
34	63735N	WWMCCS ARCHITECTURE SUPPORT	1,700		1,700		1,700			1,700

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35	64363N	TRIDENT II	65,898		65,898		65,898			65,898
36	65856N	STRATEGIC TECHNICAL SUPPORT	4,886		4,886		4,886			4,886
37	11221N	FLEET BALLISTIC MISSILE SYSTEM	5,135		5,135		5,135			5,135
38	11224N	SSBN SECURITY TECHNOLOGY PROGRAM	72,553	-18,000	54,553		72,553	-18,000		72,553
39	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	40,694		40,694		40,694			40,694
40	11228N	TRIDENT I	24,892		24,892		24,892			24,892
41	11401N	EXTREMELY LOW FREQUENCY (ELF) COMMUNIC	590		590		590			590
42	11402N	NAVY STRATEGIC COMMUNICATIONS	42,435		42,435		42,435			42,435
43	12427N	NAVAL SPACE SURVEILLANCE	905		905		905			905
44	33131N	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	1,350		1,350		1,350			1,350
45	33152N	WWMCCS INFORMATION SYSTEM	3,906		3,906		3,906			3,906
46	63109N	INTEGRATED AIRCRAFT AVIONICS	23,546		23,546		23,546			23,546
47	63207N	AIR/OCEAN TACTICAL APPLICATIONS	7,577		7,577		7,577			7,577
48	63208N	T-45 TRAINING SYSTEM	32,028		32,028	25,000	57,028	-25,000	25,000	57,028
49	63216N	AIR CREW SYSTEMS TECHNOLOGY	9,697	4,000	13,697		9,697	4,000	4,000	13,697
50	63228N	CV ASW MODULE	3,621		3,621		3,621			3,621
51	63231N	NEXT GENERATION FIGHTER								
52	63254N	AIR ASW	10,785		10,785		10,785			10,785
53	63260N	AIRBORNE MINE COUNTERMEASURES	18,672		18,672	27,000	45,672	-27,000		18,672
54	63261N	TACTICAL AIRBORNE RECONNAISSANCE	15,356		15,356	-7,200	8,156	7,200		15,356
54a	63261N	TACTICAL AIRBORNE RECON PY SAVINGS				-8,000	-8,000	8,000		
55	63262N	AIRCRAFT SURVIVABILITY AND VULNERABILITY	13,905		13,905		13,905			13,905
56	63306N	ADVANCED A/L AIR-TO-SURFACE MISSILE SYS								
57	63318N	ADVANCED SURFACE-TO-AIR MISSILE	18,029		18,029		18,029			18,029
58	63319N	NATO AAW SYSTEMS								
59	63320N	LOW COST ANTI-RADIATION SEEKER								
60	63321N	ADVANCED AIR-TO-AIR MISSILE (AAAM)								
61	63382N	BATTLE GROUP AAW COORDINATION								
62	63502N	SURFACE MINE COUNTERMEASURES	44,473		44,473		44,473			44,473
63	63504N	ADVANCED SUBMARINE ASW DEVELOPMENT	33,810		33,810		33,810			33,810
64	63506N	SURFACE SHIP TORPEDO DEFENSE	28,479		28,479		28,479			28,479
65	63512N	SHIPBOARD AVIATION SYSTEMS	18,079		18,079		18,079			18,079
66	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	31,843		31,843		31,843			31,843
67	63514N	SHIP COMBAT SURVIVABILITY	23,676		23,676		23,676			23,676
68	63522N	SUBMARINE ARCTIC WARFARE SUPPORT EQUIP	4,153		4,153		4,153			4,153

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69	63525N	PILOT FISH	36,676		36,676		36,676			36,676
70	63528N	NON-ACOUSTIC ANTI-SUB WARFARE	12,983		12,983		12,983			12,983
71	63529N	ADVANCED ASW TARGET	16,499		16,499		16,499			16,499
72	63536N	RETRACT JUNIPER	48,725		48,725		48,725		24,900	73,625
73	63542N	RADIOLOGICAL CONTROL	3,795		3,795		3,795			3,795
74	63553N	SURFACE ASW	70,194		70,194		70,194			70,194
75	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	154,967	-60,000	94,967		154,967	-60,000	-22,200	132,767
75a		EMERGENCY MAIN BALLAST TANK SYSTEM				2,000	2,000	-2,000		
76	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	7,349		7,349		7,349			7,349
77	63564N	SHIP DEVELOPMENT	11,945		11,945		11,945			11,945
77a		SEALIFT SHIP TECHNOLOGY PROGRAM				13,400	13,400	-13,400	13,400	13,400
78	63570N	ADVANCED NUCLEAR POWER SYSTEMS	88,709		88,709		88,709			88,709
79	63573N	ELECTRIC DRIVE	99,177		99,177		99,177		-15,393	83,784
80	63576N	CHALK EAGLE	86,796		86,796		86,796			86,796
81	63582N	COMBAT SYSTEM INTEGRATION	10,139		10,139		10,139			10,139
82	63591N	JOINT ADVANCED SYSTEMS	106,783		106,783	46,000	152,783	-46,000	46,000	152,783
83	63601N	MINE DEVELOPMENT	632		632		632			632
84	63609N	CONVENTIONAL MUNITIONS	62,317	-10,000	52,317		62,317	-10,000	-10,000	52,317
85	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)	9,205		9,205		9,205			9,205
86	63611M	MARINE CORPS ASSAULT VEHICLES	82,126	-26,500	55,626	-26,500	55,626		-26,500	55,626
87	63612M	MARINE CORPS MINE/COUNTERMEASURES SYS -	3,607		3,607		3,607			3,607
88	63634N	TACTICAL NUCLEAR DEVELOPMENT	7,948		7,948		7,948			7,948
89	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	10,421		10,421	13,000	23,421	-13,000		10,421
89a		LIGHTWEIGHT 155MM HOWITZER				13,100	13,100	-13,100	13,100	13,100
90	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	9,519		9,519		9,519			9,519
91	63656N	ADVANCED MINOR CALIBER GUN	3,836		3,836		3,836			3,836
92	63691N	MK 48 ADCAP - ADV DEV	29,553		29,553		29,553			29,553
93	63702N	OCEAN ENGINEERING SYSTEMS DEVELOPMENT	1,340		1,340		1,340			1,340
94	63704N	ASW OCEANOGRAPHY	8,748		8,748		8,748			8,748
95	63708N	ASW SIGNAL PROCESSING	29,474		29,474		29,474			29,474
96	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	4,731	-4,731			4,731	-4,731		4,731
97	63711N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	5,628		5,628		5,628			5,628
98	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOP	12,589		12,589		12,589			12,589
99	63717N	COMMAND AND CONTROL SYSTEMS	6,165		6,165		6,165			6,165
100	63724N	NAVY ENERGY PROGRAM	5,359		5,359		5,359			5,359

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101	63725N	FACILITIES IMPROVEMENT	1,594		1,594		1,594			1,594
102	63726N	MERCHANT SHIP NAVAL AUGMENTATION PROG	1,843		1,843		1,843			1,843
103	63729M	MARINE CORPS COMBAT SERVICES SUPPORT								
104	63734N	CHALK CORAL	65,054		65,054		65,054			65,054
105	63737N	LINK HAZEL	24,525		24,525		24,525			24,525
106	63740N	LINK LAUREL								
107	63746N	RETRACT MAPLE	151,112		151,112		151,112			151,112
108	63748N	LINK PLUMERIA	21,044	-6,285	14,759	-5,565	15,479	-720	-5,565	15,479
109	63750N	CHALK WEED	2,729		2,729		2,729			2,729
110	63751N	RETRACT ELM	173,010	-59,000	114,010	-35,000	138,010	-24,000	-35,000	138,010
111	63752N	CHALK POINSETTIA	6,256		6,256		6,256			6,256
112	63755N	SHIP SELF DEFENSE	160,408		160,408	28,000	188,408	-28,000	17,600	178,008
113	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	8,324		8,324		8,324			8,324
114	63785N	ASW ENVIRONMENTAL ACOUSTIC SUPPORT	17,831		17,831		17,831			17,831
115	63787N	SPECIAL PROCESSES	33,853		33,853		33,853			33,853
116	63795N	GUN WEAPON SYSTEM TECHNOLOGY	7,935		7,935		7,935			7,935
116a		SHORE FIRE SUPPORT COEA				4,000	4,000	-4,000		
117	64203N	STANDARD AVIONICS DEVELOPMENT	11,994		11,994		11,994			11,994
118	64211N	IFF SYSTEM DEVELOPMENT	16,905	-5,000	11,905		16,905	-5,000		16,905
119	64212N	LAMPS	31,840		31,840		31,840			31,840
120	64213N	HELICOPTER DEVELOPMENT	15,117	-9,702	5,415	-9,702	5,415			15,117
121	64214N	AV-8B AIRCRAFT - ENG DEV	11,053		11,053		11,053			11,053
122	64215N	SUPPORT EQUIPMENT	18,488		18,488		18,488			18,488
123	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	1,154		1,154		1,154			1,154
124	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	2,926		2,926		2,926			2,926
125	64219N	AIRBORNE ASW DEVELOPMENTS	40,709	-39,209	1,500		40,709	-39,209		40,709
126	64221N	P-3 MODERNIZATION PROGRAM	35,473	90,000	125,473		35,473	90,000		35,473
127	64233N	ATA/AX	165,583	575,000	740,583	-115,583	50,000	690,583		165,583
128	64260N	C/MH-53E	12,456		12,456		12,456			12,456
129	64261N	ACOUSTIC SEARCH SENSORS	47,530		47,530		47,530		-13,800	33,730
130	64262N	V-22A		755,000	755,000	755,000	755,000		755,000	755,000
131	64264N	AIR CREW SYSTEMS DEVELOPMENT	18,246	3,700	21,946		18,246	3,700	3,700	21,946
132	64265N	AIR LAUNCHED SATURATION SYSTEM (ALSS)								
133	64268N	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	65,973		65,973		65,973			65,973
134	64270N	EW DEVELOPMENT	136,903	-25,000	111,903		136,903	-25,000	-10,676	126,227

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135	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,941		1,941		1,941			1,941
136	64303N	AEGIS AREA AIR DEFENSE	7,278		7,278		7,278			7,278
137	64307N	AEGIS COMBAT SYSTEM ENGINEERING	89,902		89,902	-28,896	61,006	28,896		89,902
138	64314N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	2,875		2,875		2,875			2,875
139	64358N	CLOSE-IN WEAPON SYSTEM (PHALANX)	9,013		9,013		9,013			9,013
140	64361N	NATO SEA SPARROW	6,299		6,299	5,000	11,299	-5,000		6,299
141	64366N	STANDARD MISSILE IMPROVEMENTS	34,940		34,940		34,940			34,940
142	64367N	TOMAHAWK - THEATER MISSION PLANNING CENT	3,712		3,712		3,712			3,712
143	64369N	5" ROLLING AIRFRAME MISSILE				10,000	10,000	-10,000	10,000	10,000
144	64370N	SSN-688 CLASS VERTICAL LAUNCH SYSTEM								
145	64372N	NEW THREAT UPGRADE	6,166		6,166		6,166			6,166
146	64373N	NON-ACOUSTIC MINE DETECTION							22,800	22,800
147	64502N	SUBMARINE COMMUNICATIONS	15,950		15,950		15,950			15,950
148	64503N	SUBMARINE SONAR DEVELOPMENT	37,312		37,312		37,312			37,312
149	64504N	AIR CONTROL	14,499		14,499		14,499			14,499
150	64506N	CHEMICAL WARFARE COUNTERMEASURES	5,944		5,944		5,944			5,944
151	64507N	NAVY STANDARD SIGNAL PROCESSORS	15,300		15,300		15,300			15,300
152	64508N	RADAR SURVEILLANCE EQUIPMENT	8,198		8,198		8,198			8,198
153	64515N	SUBMARINE SUPPORT EQUIPMENT PROGRAM	22,951		22,951		22,951			22,951
154	64516N	SHIP SURVIVABILITY	5,494		5,494		5,494			5,494
155	64518N	COMBAT INFORMATION CENTER CONVERSION	18,719		18,719		18,719			18,719
156	64524N	SUBMARINE COMBAT SYSTEM								
157	64559N	DEEP SUBMERGENCE TECHNOLOGY	21,085		21,085		21,085			21,085
158	64561N	SSN-21 DEVELOPMENTS								
159	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	65,382		65,382		65,382			65,382
160	64567N	SHIP SUBSYSTEM DEVELOP/LAND BASED TEST S	34,224		34,224		34,224			34,224
161	64574N	NAVY TACTICAL COMPUTER RESOURCES	36,518		36,518		36,518			36,518
162	64601N	MINE DEVELOPMENT	8,399		8,399		8,399			8,399
163	64602N	NAVAL GUNNERY IMPROVEMENTS	5,281		5,281		5,281			5,281
164	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	10,291	-10,291			10,291	-10,291		10,291
165	64608N	SURFACE ELECTRO-OPTIC SYSTEM								
166	64609N	BOMB FUZE IMPROVEMENT								
167	64610N	MK 50 TORPEDO								
168	64612M	MARINE CORPS MINE COUNTERMEASURES SYS -	2,971		2,971		2,971			2,971
169	64618N	JOINT DIRECT ATTACK MUNITION	26,541	-15,000	11,541		26,541	-15,000	-5,000	21,541

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170	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	5,986		5,986		5,986			5,986
171	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV		14,700	14,700	14,700	14,700		14,700	14,700
172	64657M	MARINE CORPS GROUND COMBAT/SUPPORTING A								
173	64704N	ASW OCEANOGRAPHIC EQUIPMENT	1,209		1,209		1,209			1,209
174	64707N	THEATER MISSION PLANNING CENTER	2,874		2,874		2,874			2,874
175	64710N	NAVY ENERGY PROGRAM	4,026		4,026		4,026			4,026
176	64713N	SURFACE ASW SYSTEM IMPROVEMENT								
177	64714N	AIR WARFARE TRAINING DEVICES	2,119		2,119		2,119			2,119
178	64715N	SURFACE WARFARE TRAINING DEVICES	3,100		3,100		3,100			3,100
179	64717M	MARINE CORPS COMBAT SERVICES SUPPORT	249		249		249			249
180	64718M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	806		806		806			806
181	64719M	MARINE CORPS COMMAND/CONTROL/COMM SYS	12,147		12,147		12,147			12,147
182	64727N	JOINT STANDOFF WEAPON SYSTEMS	66,910		66,910		66,910			66,910
183	64761N	INTELLIGENCE	1,965		1,965		1,965			1,965
184	64771N	MEDICAL DEVELOPMENTS							4,113	4,113
185	64780M	JINTACCS MARINE CORPS	995		995		995			995
186	64784N	FIXED DISTRIBUTED SYSTEM - ENG	154,486	-104,486	50,000		154,486	-104,486		154,486
186a		ADVANCED DEPLOYABLE SYSTEM				14,000	14,000	-14,000	14,000	14,000
187	65803N	ELECTROMAGNETIC EFFECTS & SPECTRUM CONTR	3,715		3,715		3,715			3,715
188	65867N	C2 SURVEILLANCE/RECONNAISSANCE SUPPORT	14,032		14,032		14,032			14,032
189	24134N	A-6 SQUADRONS	7,901		7,901		7,901			7,901
190	24136N	F/A-18 SQUADRONS	1,133,589	-535,000	598,589	-190,000	943,589	-345,000	-190,000	943,589
191	24152N	E-2 SQUADRONS	6,656		6,656		6,656			6,656
192	24154N	SEA-BASED ELECTRONIC WARFARE SQUADRONS								
193	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	23,984		23,984		23,984			23,984
194	24229N	SURFACE COMBATANT ORDNANCE - TOMAHAWK	25,450	5,000	30,450	15,000	40,450	-10,000	5,000	30,450
195	24311N	UNDERSEA SURVEILLANCE SYSTEMS	71,269		71,269		71,269			71,269
196	24313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	21,381		21,381		21,381			21,381
197	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	3,551		3,551		3,551			3,551
198	24571N	SPECIAL PROJECTS	21,059		21,059		21,059			21,059
199	25604N	TACTICAL INFORMATION SYSTEM	58,230		58,230		58,230			58,230
200	25620N	ASW COMBAT SYSTEMS INTEGRATION	19,555		19,555		19,555			19,555
201	25633N	AIRCRAFT EQUIPMENT RELIABILITY/MAINT PRO	1,918		1,918		1,918			1,918
202	25667N	F-14 UPGRADE	101,228		101,228		101,228			101,228
203	25670N	TACTICAL INTELLIGENCE PROCESSING	2,506		2,506		2,506			2,506

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
204	25675N	OPERATIONAL REACTOR DEVELOPMENT	57,834		57,834		57,834			57,834
205	26313M	MARINE CORPS TELECOMMUNICATIONS	4,189		4,189		4,189			4,189
206	26623M	MARINE CORPS GROUND COMBAT/SUPPORTING AR	20,445		20,445		20,445			20,445
206a		MARINE ENHANCEMENT PROGRAM				12,000	12,000	-12,000	12,000	12,000
206b		LAV-AD				9,400	9,400	-9,400	9,400	9,400
206c		RAAM				2,000	2,000	-2,000	2,000	2,000
207	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	554		554		554			554
208	26625M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	22,838	2,000	24,838	3,000	25,838	-1,000	3,000	25,838
209	26626M	MARINE CORPS COMMAND/CONTROL/COMM SYS	13,435		13,435		13,435			13,435
210	27316N	TACIT RAINBOW								
211	28010M	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	849		849		849			849
212	64230N	WARFARE SUPPORT SYSTEM	2,344		2,344		2,344			2,344
213	64231N	TACTICAL COMMAND SYSTEM	24,943		24,943		24,943			24,943
214	64514N	NAVIGATION SYSTEMS	2,897		2,897		2,897			2,897
215	64577N	EHF SATCOM	27,369		27,369		27,369			27,369
216	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION S	7,200		7,200		7,200			7,200
217	64777N	NAVSTAR GPS	52,379		52,379		52,379			52,379
218	65866N	NAVY COMMAND AND CONTROL PLAN & DEVELOP	3,033		3,033		3,033			3,033
219	31327N	TECHNICAL RECONNAISSANCE AND SURVEILL	[ ]	[-6,255]		[-6,300]			[-4,300]	
220	33109N	SATELLITE COMMUNICATIONS	29,188		29,188		29,188			29,188
221	33401N	COMMUNICATIONS SECURITY (COMSEC)	[ ]							
222	33603N	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	2,371		2,371		2,371			2,371
223	34111N	SPECIAL ACTIVITIES	[ ]	[-63,000]		[-125,000]			[-87,000]	
		LASER COMMUNICATIONS								
999		INTEL & COMMUNICATIONS CLASSIFIED	649,894	-69,255	580,639	-131,300	518,594	62,045	-91,300	558,594
224	63721N	ENVIRONMENTAL PROTECTION	29,212		29,212	20,000	49,212	-20,000		29,212
225	64208N	RANGE INSTRUMENTATION SYSTEMS DEV (RISD)	9,190		9,190		9,190			9,190
226	64255N	ELECTRONIC WARFARE SIMULATOR DEVELOP	30,608		30,608	-10,000	20,608	10,000		30,608
227	64258N	TARGET SYSTEMS DEVELOPMENT	40,036		40,036	-10,000	30,036	10,000	-10,000	30,036
228	64703N	PERSONNEL, TRAINING, SIMULATION, AND HUM	1,137		1,137		1,137			1,137
229	65151M	STUDIES AND ANALYSIS SUPPORT - MC	1,958		1,958		1,958			1,958
230	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	5,680		5,680		5,680		111	5,791
231	65154N	CENTER FOR NAVAL ANALYSES	43,178		43,178		43,178			43,178
232	65155N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	7,797	-2,000	5,797	-3,000	4,797	1,000	-2,000	5,797
233	65156M	MARINE CORPS OPERATIONAL TEST AND EVAL	1,803		1,803		1,803			1,803

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
234	65502N	SMALL BUSINESS INNOVATIVE RESEARCH								
235	65804N	TECHNICAL INFORMATION SERVICES	14,619		14,619	-3,000	11,619	3,000	-3,000	11,619
236	65853N	MANAGEMENT AND TECHNICAL SUPPORT	12,747		12,747		12,747			12,747
237	65857N	INTERNATIONAL RDT&E	1,427		1,427		1,427			1,427
238	65861N	RDT&E SCIENCE AND TECHNOLOGY MANGT	54,357		54,357		54,357		7,990	62,347
239	65862N	RDT&E INSTRUMENTATION MODERNIZATION	15,500		15,500		15,500		3,139	18,639
240	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	108,555	-5,000	103,555		108,555	-5,000	-5,000	103,555
241	65864N	TEST AND EVALUATION SUPPORT	353,226	-18,000	335,226		353,226	-18,000	-18,000	335,226
242	65865N	OPERATIONAL TEST AND EVALUATION CAPABILI	9,159		9,159		9,159			9,159
243	65871M	MARINE CORPS TACT EXPLOITATION OF NATL C	1,254		1,254		1,254			1,254
244	65872N	PRODUCTIVITY INVESTMENTS	416		416		416			416
245	25658N	LABORATORY FLEET SUPPORT	7,821		7,821		7,821			7,821
246	35111N	WEATHER SERVICE	777		777		777			777
247	35160N	DEFENSE METEOROLOGICAL SATELLITE PROG	17,598		17,598		17,598			17,598
248	78011N	INDUSTRIAL PREPAREDNESS	45,384	-30,384	15,000	-45,384		15,000	-45,384	
248a	68011N	MANUFACTURING TECHNOLOGY DEVELOPMENT		80,384	80,384			80,384	119,250	119,250
248b		MANUFACTURING TECHNOLOGY INITIATIVE				108,400	108,400	-108,400		
		PURCHASES FROM DBOF				-733	-733	733	-733	-733
		INFLATION ADJUSTMENT							-16,000	-16,000
		EXCESS INVENTORY							-362	-362
		TRAVEL				-1,110	-1,110	1,110	-1,110	-1,110
		REAL PROPERTY MAINTENANCE - RDT&E							41,000	41,000
		TOTAL RDT&E NAVY	8,517,778	284,518	8,802,296	404,027	8,921,805	-119,509	466,939	8,984,717

Navy defense research sciences

The amended budget request included $457.4 million for Navy defense research sciences.

The House bill would reduce the requested amount by $45.0 million.

The Senate amendment would reduce the requested amount by $50.0 million.

The conferees recommend $412.4 million for Navy defense research sciences, including $5.0 million for the innovative adaptive optics program.

Arctic Ocean data collection

The House report (H. Rept. 102-527) included a recommendation that $3.0 million of the funds requested for the Navy's defense research sciences program (program element 601153N) be used to support preparation for and operation of a submarine in the Arctic Ocean for a dedicated science cruise on a trial basis.

The Senate report (S. Rept. 102-352) contained no similar recommendation.

The conferees agree that learning more about the Arctic Ocean and its influences on the global ecosystem is an important objective. The conferees direct the Navy to provide $3.0 million from within Navy research and development funds to support this important activity.

Anti-air/anti-surface warfare technology

The amended budget request included $86.9 million for anti-air/anti-surface warfare technology.

The House bill would reduce the requested amount by $15.0 million.

The Senate amendment would reduce the requested amount by $10.0 million.

The Senate recedes. The conferees direct that none of the funds authorized for program element 602111 be used to develop a prototype infra-red search and track device for use on surface ships. The conferees believe that any such development effort should be a part of the Navy ship self-defense or surface infra-red search and track programs.

Air systems advanced technology development

The amended budget request included $20.1 million for air systems advanced technology development.

The House bill would add $10.1 million to the amended budget request for integrated system advanced development and related activity for an advanced anti-radiation guided missile capability that has evolved from a small business innovative research program.

The Senate amendment would authorize the amended budget request.

The Senate recedes.

Global surveillance/undersea superiority technology demonstration program

The amended budget request included a major science and technology initiative focused on the development and demonstration of advanced technologies. The Defense Department grouped these technologies into seven major areas or "thrusts", each having the goal of providing quicker solutions to urgent operational needs. Within these technology thrusts, the amended budget request included $50.0 million for global surveillance/air defense/precision strike (program element 603238N) and $100.0 million for undersea superiority technology demonstration (program element 603555N).

In July 1992, the Department of Defense provided the congressional defense committees a description of the Department's science and technology strategy. This report outlined the seven science and technology thrusts, but provided no details on current or future funding requirements.

The House bill would authorize only $25.0 million for global surveillance/air defense/precision strike and $50.0 million for the undersea superiority technology demonstration. The House report (H. Rept. 102-527) expressed concern about the size of the requested funding levels and the lack of a clear understanding of the direction, management, and funding requirements for each of the technology thrusts.

The Senate amendment would authorize the amounts in the amended budget request, but would transfer $14.0 million of the undersea superiority technology demonstration request to a separate program element for advanced deployable systems.

The conferees recommend $25.0 million for global surveillance/air defense/precision strike, $58.0 million for the undersea superiority technology demonstration, and $14.0 million for advanced deployable systems.

The conferees share the concern expressed in the House report. Some individual demonstration projects appear to duplicate projects found in other program elements, while other projects appear to be of lower priority. Although the conferees echo the House report's endorsement of the concept of the technology initiatives, a declining budget requires prudent review of the program by Congress from the program's inception.

The conferees endorse the requirement of the House report that the Department submit comprehensive report on each of the initiatives with the amended budget request for fiscal year 1994/1995.

Advanced technology transition

The amended budget request included $84.7 million for the Navy's advanced technology transition program.

The House bill would authorize only $69.7 million for the program.

The Senate amendment would add $5.0 million to the request to conduct an at-sea demonstration and evaluation of magnetohydrodynamic (MHD) propulsion.

The conferees recommend an authorization of $74.7 million for the advanced technology transition program. The conferees note that this amount provides a 20 percent increase over the fiscal year 1992 program. Coupled with the amount recommended for global surveillance and undersea superiority technology demonstration programs, the Navy's advanced technology demonstration program would increase by 138 percent in fiscal year 1993. The total Navy advanced technology development program would increase by 55 percent.

The conferees believe that MHD propulsion holds promise for both military and commercial applications. The conferees also believe that the Navy should capitalize on the progress in this technology demonstrated in the DARPA advanced submarine technology program. The conferees direct the Navy to use $5.0 million of these funds to conduct an at-sea demonstration and evaluation of MHD propulsion.

SSBN security technology program

The amended budget request contained $72.6 million for SSBN security technology.

The House bill would authorize $54.6 million, a reduction of $18.0 million.

The Senate amendment would authorize the requested amount.

The House recedes. Additional program guidance and direction is contained in the classified annex to this statement of the managers.

T-45 training system

The amended budget request contained $32.0 million to continue development of the T-45 trainer system. The budget request also contained $255.7 million to procure 12 aircraft and $47.7 million in advance procurement for fiscal year 1994.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested procurement funds. The Senate amendment would also add $25.0 million to continue qualification of an alternative engine for the T-45. This would be in addition to the funds provided for that purpose in fiscal year 1992.

The conferees recommend an authorization of $225.7 million in procurement in fiscal year 1993, and $47.7 million in advance procurement for fiscal year 1994. The conferees also recommend an authorization of $57.0 million in research and development and concur in the directions contained in the Senate report (S. Rept. 102-352). The conferees insist that the Navy fully budget the cost to incorporate the so-called "cockpit 21" at the earliest practical date and to retrofit that configuration to the entire fleet. The conferees also support continuing the effort begun last year to qualify a second engine to provide for price competition in the T-45 program. The conferees understand that this action will have no adverse impact on the current T-45 program schedule.

Airborne mine countermeasures

The amended budget request included $18.7 million for airborne mine countermeasures and $10.6 million for shallow water mine countermeasures demonstrations.

The House bill would authorize the requested amount.

The Senate amendment would provide additional funding of $27.0 million for building engineering development models of the magic lantern mine detection systems.

The House recedes with an amendment that would provide $4.2 million in program element 603782N to complete Navy testing and other actions leading to a fiscal year 1993 milestone II decision on the magic lantern program and $23.1 million in program element 604373N for engineering and manufacturing systems development (EMD) of magic lantern. The conferees agree on the potential for the magic lantern (ML 90) technology as a near-term improvement in Navy mine countermeasures and the need to continue accelerated development and operational testing of that technology with the objective of achieving the earliest possible initial operational capability.

The conferees are disturbed by several aspects of the Navy's management of the magic lantern program. The Navy did not request funds for magic lantern EMD in the fiscal year 1993 amended budget request. The Navy only recently informed one of the congressional defense committees of a funding shortfall needed to complete the fiscal year 1993 evaluation of the advanced development model. These actions appear to reflect the Navy leadership's lack of commitment to evaluating what was shown in the Persian Gulf war to be a promising technology. The conferees direct the Secretary of the Navy to provide increased management attention to the magic lantern program to prevent a recurrence of this situation.

The conferees further direct that the results of the Navy's operational testing of the advanced development model and the status of the Navy's milestone II decision be provided to the congressional defense committees by August 1, 1993. The conferees direct the Navy to obligate no funds for engineering and manufacturing systems development of magic lantern until this report has been delivered.

Advanced submarine systems development

The amended budget request included $155.0 million for advanced submarine system development.

The House bill would authorize only $95.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The conferees recommend $133.0 million for the program. The conferees note that this amount will fully fund the request for Centurion program efforts, including submarine design, a cost and operational effectiveness analysis, and Centurion-unique advanced technology development. The amount would also support advanced development of other technologies desired for the first flight of Centurion submarines. The conferees believe that the Navy must place priority on efforts supporting the first flight and must assign lower priority to those efforts affecting later flights.

Of the amount recommended, the conferees also agree to recommend $2.0 million to continue development of a submarine emergency main ballast tank blow system which uses solid propellant gas generators.

Conventional munitions

The amended budget request included $62.3 million to continue the Navy's conventional munitions advanced development program.

The House bill would recommend an authorization of only $52.3 million.

The Senate amendment would authorize the requested amount.

The Senate recedes. The conferees note that the budget request for this program element increases approximately 50 percent over the amount authorized in fiscal year 1992. The conferees believe that the Navy must focus the program on its high priority efforts within the funding authorized and would expect the Navy to fully fund the missile homing improvement program in accordance with the Navy's emphasis on that program.

Short range antitank weapon (SRAW)

The amended budget request included $8.1 million to develop the short-range antitank weapon (SRAW).

The House bill would approve the requested amount.

The Senate amendment would authorize an additional $13.0 million to accelerate development of SRAW. The Senate report (S. Rept. 102-352) directed the Army to participate with the Marine Corps in the SRAW program. The report also directed the Army to apply all funds remaining in the multipurpose individual munitions (MPIM) program to develop a general-purpose warhead for SRAW that would allow SRAW to neutralize bunkers.

The Senate recedes.

The conferees are encouraged with the progress of the SRAW. This balanced technology initiative (BTI) program has demonstrated accuracy and range performance exceeding requirements in several successful flight tests.

The current warhead design for SRAW is intended primarily to defeat main battle tanks at close range (out of 500 meters). The conferees believe that an alternative general purpose warhead could be developed to provide a capability against other battlefield targets, such as bunkers. The conferees encourage the Army and the Marine Corps to cooperate on such an effort through sharing warhead technology to facilitate development of an alternative general purpose warhead for the SRAW.

The conferees also believe that the SRAW may have application with the Army, if the weapon can achieve its goals for weight and cost.

Lightweight 155mm howitzer

The amended budget request included no funds for the lightweight 155mm howitzer program.

The Senate amendment would authorize $13.1 million to conduct competitive field operational and firing tests between two different prototypes of a lightweight 155mm howitzer.

The House bill contained no similar authorization.

The conferees reemphasize the views expressed in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190) on completing a joint evaluation of a lightweight 155mm howitzer system. The statement of the managers expressed the belief that the Defense Department:

needed to improve range, accuracy, and tactical mobility for field artillery cannon and rocket systems;

should give priority to completing a joint Army/Marine Corps evaluation of competing lightweight 155mm howitzer system concepts; and

should begin a joint Army/Marine Corps program to meet their requirements for an advanced, lightweight, towed 155mm cannon system.

The conferees recommend $13.1 million for the lightweight 155mm howitzer program. The conferees understand that Army and Marine Corps agreement on an operational requirements document (ORD) for the lightweight 155mm howitzer is a necessary condition for establishing a joint program and evaluating competing system prototypes. Therefore, the conferees direct the Department of Defense not to obligate any of these funds until the Department publishes an ORD and establishes a joint Army/Marine Corps program for the lightweight 155mm howitzer system.

Advanced marine biological system

The amended budget request included $4.7 million to continue the advanced marine biological system advanced development program.

The House bill would provide no funding for the program.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees note that the amended budget request for fiscal year 1992 proposed a sharp reduction that would have virtually terminated the advanced marine biological system program. The Congress ultimately restored the program by authorizing and appropriating funds for it.

The conferees agree that the Navy has not provided a clear picture either of the Navy's long term objectives or its funding requirements for this program. The conferees direct the Secretary of the Navy to submit a report on the program to the congressional defense committees with the budget request for fiscal years 1994/1995. That report should provide a program plan for the advanced marine biological system program that includes:

a discussion of the program objectives;

a description of technology barriers that must be overcome;

a plan to overcome them, including a detailed program schedule; and

a display of the annual funding requirements through the period of the Future Year Defense Program.

Ship self defense

The amended budget request included $160.4 million to improve the capability of ships to defend themselves against aircraft and missile attack.

The House bill would authorize the requested amount.

The Senate amendment would add $43.0 million for various ship self defense improvements, including Sea Sparrow missile improvements and an infrared (IR) seeker upgrade for the 5" rolling airframe missile (RAM).

The conferees recommend an addition $17.6 million for ship self defense and $10.0 million for 5" RAM, to be allocated as follows:

Program	*Millions*
Quick reaction combat capability (QRCC)	+10.8
Surface ship infrared sensor	+4.8
NULKA decoy testing	+2.0
IR mode upgrade for RAM	+10.0
Total	+27.6

Additional funds for the quick reaction combat capability (QRCC) project would permit the Navy to maintain the schedule for conducting an at-sea test in fiscal years 1993 and 1994. The conferees recommend an increase $10.8 million to the budget request to maintain the schedule for the QRCC at-sea test. These additional funds would also allow the Navy to develop and demonstrate the first phase of the ship self defense system (SSDS), called the "MK I" system. The conferees believe that the Navy should complete this demonstration before proceeding with the determination of requirements for later phases of the SSDS program.

The conferees recommend an additional $4.8 million for investigating surface ship IR sensor integration. These funds would permit the Navy to resolve questions about requirements, such as field of view, scan rate, false alarm rate, and weight reduction, by conducting at-sea testing. The conferees prefer that the Navy prototype and test more than one IR device after completion of the planned cost and operational effectiveness analysis (COEA). A greater emphasis on developmental testing would yield a better technology demonstration program. The conferees believe that spending funds now for acquisition planning would be premature.

The U.S. Navy is nearing completion of the cooperative development of NULKA with Australia. While the Navy has no plans, at present, to deploy the NULKA due to cost and weight considerations, the conferees agree that the concept of NULKA may have the potential to be a highly effective ship self defense adjunct. Therefore, the conferees recommend $2.0 million for the Navy to evaluate alternative deployment concepts seeking to resolve weight and affordability limitations.

The conferees note that although the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) added $5.0 million to continue development of an IR mode upgrade for RAM, the Navy requested no funds to continue the program in the fiscal year 1993 amended budget request. The Navy has indicated that funds had not been requested because of uncertainties in the program. Nevertheless, the Navy stated that the RAM IR mode upgrade was critical to its long-term effectiveness against high speed, low flying missiles. The conferees recognize the potential for the IR upgrade to improve ship self defense, but are concerned about the Navy's commitment to development of the RAM IR upgrade and potential development and procurement costs.

Therefore, the conferees recommend $10.0 million for continuation of the IR mode seeker upgrade program. The conferees di-

rect that none of these funds be obligated until the Navy:

informs the congressional defense committees that the program has been brought under the guidelines of the DOD 5000 series of regulations; and

provides a report to the congressional defense committees which delineates the program plan, schedule, and costs through the period of the Future Year Defense Program.

The conferees are concerned that the Navy has not yet provided a long-term projection on the cost of the ship self defense program and direct that no later than February 28, 1993, the Secretary of the Navy submit to the congressional defense committees an updated report on Navy anti-air warfare programs, including the ship self defense program, that details the program objectives, plan, schedule, and funding requirements through the period of the Future Year Defense Program.

Shore fire support analysis

The amended budget request contained no funds specifically identified for improving naval surface fire support (NSFS).

The Senate amendment recommended $4.0 million for support of a thorough cost and operational effectiveness analysis (COEA) by the Department of the Navy of alternatives for ship-to-shore fire support of amphibious and strike operations.

The House bill contained no similar authorization.

The conferees have reviewed with great interest the Secretary of the Navy's report on NSFS, submitted in response to the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The Secretary's report indicates that:

NSFS plays a critical role in amphibious assault operations from over-the-horizon and close range;

the Navy has an acute NSFS deficiency today in supporting these operations;

an NSFS improvement program will be an initiative in the amended budget request for fiscal years 1994/1995, with research and development funding beginning in fiscal year 1995; and

a COEA on the NSFS program will play an essential role in determining the direction for the program.

The Senate recedes. The conferees believe that every effort should be made to complete the NSFS COEA in fiscal year 1993. The conferees strongly encourage the Navy to reprogram those funds necessary to accelerate the program and complete the COEA in fiscal year 1993. The conferees also urge the Navy to include funds in the budget request for fiscal years 1994/1995 to initiate a robust NSFS research and development program based on the results of the COEA.

Helicopter development

The amended budget request included $9.7 million to develop a medium lift replacement (MLR) helicopter.

Neither the House bill nor the Senate amendment would authorize any funds for this purpose.

The Secretary of Defense recently announced that he would proceed with developing the V-22 tiltrotor aircraft *and* a helicopter-based alternative for the MLR mission. The conferees agree that the appropriate way to allow the Secretary to pursue his "dual track" approach would be to authorize the $9.7 million requested for MLR development. The conferees direct that these funds be used only for concept exploration and definition of competing helicopter alternatives.

Airborne antisubmarine warfare (ASW) development

The amended budget request included $40.7 million to continue development of the airborne low frequency sonar (ALFS).

The House bill would authorize $1.5 million to be used only to analyze the current operational requirement for the sonar.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees are aware that the ALFS contract award was protested to the General Accounting Office. With the reduction in the Soviet submarine threat and the increased importance of ASW support for regional operations, the conferees believe that the Secretary of Defense should direct more attention to the Navy's ALFS program. The Secretary should assess the capability and cost of the ALFS system and other alternatives that may meet the Navy's operational requirement for the system.

The conferees direct the Secretary of Defense to report the results of this assessment by March 30, 1993. The conferees direct the Navy not to obligate more than 50 percent of fiscal year 1993 funds provided for ALFS development until the Secretary of Defense provides this report to the congressional defense committees.

Electronic warfare development

The amended budget request included $136.9 million to continue various projects under the Navy's electronic warfare development program.

The House bill would recommend an authorization of only $111.9 million.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $126.3 million. The request included $7.5 million for the airborne self protection jammer (ASPJ). While the conferees direct that none of these funds be used for further development of ASPJ, they recognize that research and development-related obligations may still require a portion of this $7.5 million during the termination of ASPJ. Additionally, the conferees are aware that a replacement for ASPJ remains an important priority for naval aviation. They therefore direct that any balance remaining within this account, after settlement of termination be used toward the reconstruction of a viable and effective jammer development program.

AEGIS combat system engineering

The amended budget request included $89.9 million for AEGIS combat system engineering. This amount included $28.9 million for an upgrade to the AEGIS radar, known as the engineering development model 4B (EDM-4B).

The House bill would authorize the requested amount.

The Senate amendment would authorize $61.0 million, and provide no funds for EDM-4B. This reduction was based on information that the Navy had no plans to produce EDM-4B.

The Senate recedes.

The conferees recommend the requested amount for the AEGIS combat system engineering program. The conferees also direct the Secretary of the Navy not to obligate more than 50 percent of the EDM-4B funds until he submits a report to the congressional defense committees detailing the following information:

An estimate of the threat from anti-ship missiles;

The estimated cost and schedule for development and testing of EDM-4B, and the estimated procurement costs, by year, to add EDM-4B to future DDG-51 destroyers; and

The Navy's plan for fielding EDM-4B, as well as other ship self defense systems (including sensors and weapons).

Advanced rocket system

The amended budget request contained $10.291 million to continue development of an advanced rocket system for use by the Marine Corps.

The House bill would terminate the program because of lack of Service coordination and program redundancy in 2.75 inch rocket programs within DOD.

The Senate amendment would authorize the requested funds.

The conferees recommend an authorization of $10.291 million. The conferees understand that the Navy, Army, and Air Force have entered into a memorandum of agreement that would provide for the joint development and acquisition of a 2.75-inch rocket system. This effort will entail a joint cost and operational effectiveness analysis (COEA), a joint hypervelocity evaluation and a joint rocket management consolidation plan. The conferees direct that copies of these three documents be provided to the congressional defense committees within 30 days of their completion.

Fixed distributed system

The amended budget request included $154.5 million to continue engineering and manufacturing development of the fixed distributed system (FDS).

The House bill would authorize only $50.0 million for the FDS program.

The Senate amendment would authorize the requested amount, but would provide $14.0 million for a separate program element for advanced deployable systems (ADS).

The conferees recommend $154.5 million for the FDS program, but direct the Defense Department to use at least $27.5 million of these funds for research and development on deployable systems. The conferees also agree to establish a separate program element for ADS and provide $14.0 million for that program.

The conferees reiterate the concern expressed in the House report (H. Rept. 102-527) about the relative emphasis the Navy is placing on fixed and deployable surveillance systems. To deal with heightened emphasis on regional conflicts and changes in the antisubmarine warfare threat, the Navy should emphasize the development of quick response systems for rapidly developing regional crises. The conferees agree that the Department should place a higher priority on development of ADS systems capable of rapid or covert deployment in shallow water.

The conferees expect the Secretary of the Navy to submit the revised program for development of the ADS and the revised antisubmarine master plan to the congressional defense committees with the submission of the budget request for fiscal years 1994/1995, as requested in the House report.

Tomahawk baseline improvement program

The amended budget request included $25.4 million to continue development of the so-called "block III" upgrade and associated shipboard systems of the Tomahawk land attack missile.

The House bill recommended an additional authorization of $5.0 million in fiscal year 1993 to initiate a program for a long range cruise missile engine technology upgrade for the Tomahawk system that would contribute to system mid-life upgrades, improved system performance, and reduced system life-cycle maintenance costs.

The Senate amendment recommended an additional authorization of $15.0 million for improvements in Tomahawk guidance and targeting capability and engine efficiency.

The conferees recommend an additional $5.0 million to start Tomahawk engine midlife upgrades. The conferees also encourage the Navy to begin improvements in Tomahawk guidance and mission planning capabilities. These technology initiatives will directly support a Tomahawk baseline improvement program, which the Navy expects to request in the budget request for fiscal years 1994/1995.

Marine Corps ground combat systems

The Senate amendment would add $9.4 million to continue evaluation of a replacement for the Hydra-70 rocket system on the light armored vehicle-air defense (LAV-AD) system.

The House bill contained no similar authorization.

The conferees recommend an additional $9.4 million for the LAV-AD program. The conferees also agree that the Marine Corps should use the increased funding to finish operational testing of the LAV-AD, evaluate potential replacements for the Hydra-70 rocket system, and complete other actions required to begin procurement of the system in fiscal year 1994.

Navy manufacturing technology

The amended budget request included $45.4 million for Navy manufacturing technology.

The House bill would add $50.0 million to the requested amount.

The Senate amendment would add $63.0 million to the requested amount.

The conferees recommend a total authorization of $119.3 million to include the Navy's basic RAMP integration and test facility program as described in the Senate report (S. Rept. 102-352) and the adaption of the RAMP program at the Philadelphia Naval Shipyard as described in the House report (H. Rept. 102-527).

Blood substitutes/advanced transfusable blood

The House report (H. Rept. 102-527) noted the importance of blood substitutes research and recommended that the Secretary of Defense raise the priority of this important research.

The Senate report (S. Rept. 102-352) contained no similar recommendation.

The conferees concur with the House recommendation and direct the Secretary of Defense to coordinate the Department's research program with the research activities of the American Red Cross.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $14,532.4 million for Air Force research, development, test, and evaluation. The House bill would authorize $14,242.1 million. The Senate amendment would authorize $14,070.7 million. The conferees recommend authorization of $14,230.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL AF								
1	61101F	IN-HOUSE LABORATORY INDEPENDENT RESRCH	9,806		9,806		9,806			9,806
2	61102F	DEFENSE RESEARCH SCIENCES	237,414	-8,500	228,914		237,414	-8,500		237,414
3	62101F	GEOPHYSICS	42,456	-5,000	37,456		42,456	-5,000	-900	41,556
4	62102F	MATERIALS	84,779	-10,000	74,779	-4,125	80,654	-5,875	-4,125	80,654
5	62201F	AEROSPACE FLIGHT DYNAMICS	73,928	-5,000	68,928	-2,000	71,928	-3,000	-5,000	68,928
6	62202F	HUMAN SYSTEMS TECHNOLOGY	66,199	-10,000	56,199	-4,495	61,704	-5,505	-4,495	61,704
7	62203F	AEROSPACE PROPULSION	85,420	2,000	87,420		85,420	2,000	-11,000	74,420
7a		SPACE NUCLEAR PROPULSION							10,000	10,000
8	62204F	AEROSPACE AVIONICS	105,497	-10,000	95,497	-6,000	99,497	-4,000	-10,000	95,497
9	62205F	PERSONNEL, TRAINING AND SIMULATION	32,777	15,000	47,777		32,777	15,000		32,777
10	62206F	CIVIL ENGINEERING AND ENVIRONMENTAL QUAL	11,773		11,773	2,495	14,268	-2,495		11,773
11	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	42,160	-5,000	37,160	-3,000	39,160	-2,000	-5,000	37,160
12	62601F	ADVANCED WEAPONS	43,493	-10,000	33,493		43,493	-10,000	-5,000	38,493
13	62602F	CONVENTIONAL MUNITIONS	67,407	-15,000	52,407	-10,000	57,407	-5,000	-15,000	52,407
		NATURAL GAS VEHICLES								
		GENERAL REDUCTION								
14	62702F	COMMAND CONTROL AND COMMUNICATIONS	115,319	-10,000	105,319	-5,000	110,319	-5,000	-22,800	92,519
15	63106F	LOGISTICS SYSTEMS TECHNOLOGY	14,985		14,985	2,936	17,921	-2,936		14,985
16	63109F	INEWS/ICNIA								
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	17,835		17,835		17,835			17,835
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEG	29,169		29,169		29,169			29,169
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	51,617		51,617	-10,000	41,617	10,000	-10,000	41,617
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	16,329		16,329	-3,000	13,329	3,000	-3,000	13,329
21	63211F	AEROSPACE STRUCTURES	19,147		19,147		19,147			19,147
22	63216F	AEROSPACE PROPULSION AND POWER TECH	40,790		40,790		40,790			40,790
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	9,589		9,589		9,589			9,589
24	63231F	CREW SYSTEMS AND PERSONNEL PROTECT TECH	18,049	1,100	19,149		18,049	1,100	1,100	19,149
25	63238F	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	25,000	-12,500	12,500		25,000	-12,500	-12,500	12,500
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	18,735		18,735		18,735			18,735
27	63250F	LINCOLN LABORATORY	26,686		26,686		26,686			26,686
28	63253F	ADVANCED AVIONICS INTEGRATION	24,676		24,676		24,676			24,676
29	63269F	NATIONAL AERO SPACE PLANE TECH PROG	175,489		175,489	-175,489		175,489	-25,489	150,000
30	63270F	EW TECHNOLOGY	32,781		32,781		32,781			32,781
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	15,516		15,516		15,516			15,516

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
32	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS	66,608	-2,000	64,608		66,608	-2,000		66,608
33	63363F	ARMAMENT TECHNOLOGY INTEGRATION								
34	63401F	ADVANCED SPACECRAFT TECHNOLOGY	36,205		36,205	-10,000	26,205	10,000	-10,000	26,205
35	63410F	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS	4,182		4,182		4,182			4,182
36	63428F	SPACE SURVEILLANCE TECHNOLOGY	24,801		24,801		24,801		-19,301	5,500
37	63601F	CONVENTIONAL WEAPONS	39,330		39,330		39,330			39,330
38	63605F	ADVANCED WEAPONS TECHNOLOGY	54,837	-21,796	33,041		54,837	-21,796		54,837
39	63707F	WEATHER SYSTEMS - ADV DEV	5,282		5,282		5,282			5,282
40	63723F	CIVIL AND ENVIRONMENTAL ENGINEERING TECH	11,284		11,284	6,800	18,084	-6,800		11,284
41	63726F	C3I SUBSYSTEM INTEGRATION	13,450		13,450		13,450		-4,000	9,450
42	63728F	ADVANCED COMPUTER TECHNOLOGY	11,138		11,138		11,138			11,138
43	63789F	C3 ADVANCED DEVELOPMENT	9,808		9,808		9,808			9,808
		GENERAL REDUCTION								
44	65896F	BASE OPERATIONS - RDT&E	4,810		4,810		4,810			4,810
45	63105F	OLYMPIC	[ ]							
46	63110F	SPECIAL EVALUATION PROGRAM	[ ]	[-35,000]						
47	63111F	MERIDIAN	[ ]							
48	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS								
49	63425F	ADVANCED WARNING SYSTEM								
50	63428F	SPACE SURVEILLANCE TECHNOLOGY								
51	64226F	B-1B	90,691		90,691	-66,400	24,291	66,400	-4,300	86,391
52	64240F	B-2 ADVANCED TECHNOLOGY BOMBER	1,261,384		1,261,384		1,261,384			1,261,384
53	64244F	SHORT RANGE ATTACK MISSILE II (SRAM II)								
54	64312F	ICBM MODERNIZATION	54,913		54,913		54,913			54,913
55	64711F	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	6,400		6,400		6,400			6,400
56	11113F	B-52 SQUADRONS	13,300	15,000	28,300		13,300	15,000	15,000	28,300
57	11120F	ADVANCED CRUISE MISSILE	82,300	-61,100	21,200	-82,300		21,200	-61,100	21,200
58	11142F	KC-135 SQUADRONS	16,700		16,700		16,700			16,700
59	11213F	MINUTEMAN SQUADRONS	28,700		28,700		28,700			28,700
60	11312F	PACCS AND WWABNCP SYSTEM EC-135 CLASS V	2,100		2,100		2,100			2,100
61	11313F	WAR PLANNING ADP - SAC	7,500		7,500		7,500			7,500
62	11815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[25,000]					[25,000]	
63	12310F	NCMC - TW/AA SYSTEMS								
64	12325F	JOINT SURVEILLANCE SYSTEM	4,900		4,900		4,900			4,900
65	12411F	SURVEILLANCE RADAR STATIONS/SITES	8,400		8,400		8,400			8,400

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
66	12412F	DISTANT EARLY WARNING (DEW) RADAR STATIO	2,600		2,600		2,600			2,600
67	12417F	OVER-THE-HORIZON BACKSCATTER RADAR								
68	12423F	BALLISTIC MISSILE EARLY WARNING SYS (BME								
69	12424F	SPACETRACK								
70	12431F	DEFENSE SUPPORT PROGRAM								
71	12432F	SLBM RADAR WARNING SYSTEM								
72	12433F	NUDET DETECTION SYSTEM								
73	12830F	CLASSIFIED PROGRAM	[ ]							
74	12831F	CLASSIFIED PROGRAM	[ ]							
75	33131F	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	10,700		10,700	5,000	15,700	-5,000		10,700
76	33152F	WWMCCS INFORMATION SYSTEM								
77	33601F	MILSTAR SAT COMM SYSTEM (AF TERMINALS)	1,261,896		1,261,896	-21,500	1,240,396	21,500	-21,500	1,240,396
78	33603F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM								
79	35124F	SPECIAL APPLICATIONS PROGRAM	[ ]			[-53,000]			[-43,000]	
80	35145F	ARMS CONTROL IMPLEMENTATION	4,512		4,512		4,512			4,512
81	35892F	SPECIAL ANALYSIS ACTIVITIES	[ ]							
82	35905F	IMPROVED SPACE BASED TW/AA	251,222		251,222	-45,000	206,222	45,000		251,222
83	35906F	NCMC - TW/AA SYSTEMS	160,300		160,300		160,300			160,300
84	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	7,100		7,100		7,100			7,100
85	35910F	SPACETRACK	53,100	-14,900	38,200	39,500	92,600	-54,400	50,400	103,500
86	35911F	SPACE PROGRAMS	57,719		57,719		57,719			57,719
87	35912F	SLBM RADAR WARNING SYSTEMS	1,000		1,000		1,000			1,000
88	35913F	NUDET DETECTION SYSTEM	5,200		5,200		5,200			5,200
89	41216F	AIRLIFT MISSION ACTIVITIES (NON-IF)	6,800		6,800		6,800			6,800
997		STRATEGIC CLASSIFIED	399,200	-10,000	389,200	-53,000	346,200	43,000	-18,000	381,200
90	003107F	TECHNICAL EVALUATION SYSTEM	[ ]							
91	63230F	ADVANCED TACTICAL FIGHTER								
92	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	7,600		7,600		7,600			7,600
93	63307F	AIR BASE OPERABILITY ADVANCED DEVELOPMEN	3,700		3,700		3,700			3,700
94	63617F	COMMAND, CONTROL, AND COMM APPLICATIONS	4,100		4,100		4,100			4,100
95	63714F	DOD PHYSICAL SECURITY EQUIPMENT-EXTERIOR	600		600		600			600
96	63742F	COMBAT IDENTIFICATION TECHNOLOGY	19,100		19,100		19,100			19,100
97	63801F	SPECIAL PROGRAMS	[ ]							
98	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,000		16,000		16,000			16,000
99	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	4,000		4,000		4,000			4,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	1,000	3,000	4,000		1,000	3,000		1,000
101	64222F	NUCLEAR WEAPONS SUPPORT	5,626		5,626		5,626			5,626
102	64223F	ALTERNATE FIGHTER ENGINE								
103	64231F	C-17 PROGRAM	210,000		210,000	-29,200	180,800	29,200		210,000
104	64233F	SPECIALIZED UNDERGRAD PILOT TRAIN (SUPT)	4,700		4,700		4,700			4,700
105	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR T	2,200		2,200		2,200			2,200
106	64239F	ADVANCED TACTICAL FIGHTER FSD	2,224,268	-200,000	2,024,268		2,224,268	-200,000		2,224,268
107	64242F	ADVANCED TACTICAL AIRCRAFT	2,000		2,000		2,000			2,000
108	64245F	SHORT RANGE ATTACK MISSILE-TACT (SRAM-T)								
109	64247F	MODULAR AUTOMATIC TEST EQUIPMENT								
110	64249F	NIGHT/PRECISION ATTACK	26,900		26,900		26,900			26,900
111	64250F	INTEGRATED EW/CNI DEVELOPMENT								
112	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	111,720		111,720		111,720			111,720
113	64270F	EW DEVELOPMENT	158,500	-49,500	109,000	-59,600	98,900	10,100		158,500
114	64321F	JOINT TACTICAL FUSION PROGRAM	[ ]							
115	64327F	HARDENED TARGET MUNITIONS	5,700		5,700		5,700			5,700
116	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	15,200	1,300	16,500		15,200	1,300	1,300	16,500
117	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	6,200		6,200		6,200			6,200
118	64604F	SUBMUNITIONS	7,500		7,500		7,500			7,500
119	64607F	WIDE-AREA, ANTI-ARMOR MUNITIONS								
120	64617F	AIR BASE OPERABILITY	14,400		14,400		14,400			14,400
121	64618F	JOINT DIRECT ATTACK MUNITION	33,300		33,300		33,300			33,300
122	64703F	AEROMEDICAL SYSTEMS DEVELOPMENT	4,200		4,200		4,200		2,753	6,953
123	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	9,400		9,400		9,400			9,400
124	64706F	LIFE SUPPORT SYSTEMS	12,830		12,830		12,830			12,830
125	64708F	CIVIL, FIRE, ENVIRON, SHELTER ENGINEER	2,662		2,662		2,662			2,662
126	64727F	JOINT STANDOFF WEAPONS SYSTEMS	5,800		5,800		5,800			5,800
127	64733F	SURFACE DEFENSE SUPPRESSION	8,200		8,200		8,200			8,200
128	64740F	COMPUTER RESOURCES MANAGEMENT TECH	8,900		8,900		8,900			8,900
129	64750F	INTELLIGENCE EQUIPMENT	3,000		3,000		3,000			3,000
130	64754F	JOINT TACTICAL INFORMATION DIST SYS (JTI	16,500		16,500		16,500			16,500
131	64756F	SIDE LOOKING AIRBORNE RADAR	4,100		4,100		4,100			4,100
132	64770F	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	355,900		355,900		355,900			355,900
133	64779F	JINTACCS	7,100		7,100		7,100			7,100
134	27129F	F-111 SQUADRONS	29,200		29,200		29,200			29,200

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	27130F	F-15A/B/C/D SQUADRONS	3,300		3,300		3,300			3,300
136	27131F	A-10 SQUADRONS								
137	27133F	F-16 SQUADRONS	183,800		183,800	-25,100	158,700	25,100	-66,000	117,800
138	27134F	F-15E SQUADRONS	54,000		54,000		54,000			54,000
139	27136F	MANNED DESTRUCTIVE SUPPRESSION	8,800		8,800		8,800			8,800
140	27137F	CONSTANT HELP	[ ]							
141	27141F	F-117A SQUADRONS	1,300	31,000	32,300		1,300	31,000		1,300
142	27161F	TACTICAL AIM MISSILES	34,600		34,600		34,600		-34,600	
143	27162F	TACTICAL AGM MISSILES								
144	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	35,400		35,400		35,400			35,400
145	27169F	SEEK CLOCK	[ ]							
146	27215F	TR-1 SQUADRON								
147	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYS	55,600	35,500	91,100	-40,300	15,300	75,800	7,000	62,600
147a		FOTARS PRIOR YEAR SAVINGS				-30,500	-30,500	30,500		
147b		FOTARS COMPETITION				50,000	50,000	-50,000		
148	27247F	AF TENCAP	700		700		700			700
149	27248F	SPECIAL TACTICAL UNIT DETACHMENTS	[ ]							
150	27316F	TACIT RAINBOW		10,000	10,000			10,000		
151	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM								
152	27412F	TACTICAL AIR CONTROL SYSTEMS	24,100		24,100		24,100			24,100
153	27417F	AIRBORNE WARNING AND CONTROL SYS (AWACS)	130,900		130,900		130,900			130,900
154	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS	6,300		6,300		6,300			6,300
155	27423F	ADVANCED COMMUNICATIONS SYSTEMS	500		500		500			500
156	27424F	COPPER COAST	[ ]							
157	27431F	TACTICAL AIR INTELLIGENCE SYSTEM ACTIVIT								
158	27433F	TACTICAL IMPROVEMENT PROGRAM	[ ]							
159	27579F	ADVANCED SYSTEMS IMPROVEMENTS	[ ]							
160	27590F	SEEK EAGLE	31,000		31,000		31,000			31,000
161	27591F	OMEGA	[ ]							
162	28006F	MISSION PLANNING SYSTEMS	15,400		15,400		15,400			15,400
163	28010F	JOINT TACTICAL COMM PROG (TRI-TAC)	12,700		12,700		12,700			12,700
164	28021F	ELECTRONIC COMBAT SUPPORT	2,200		2,200		2,200			2,200
165	28042F	HAVE FLAG	[ ]			[46,000]			[46,000]	
166	33605F	SATELLITE COMMUNICATIONS TERMINALS	4,000		4,000		4,000			4,000
167	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	7,100		7,100		7,100			7,100

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
168	35142F	CENTENNIAL	[ ]	[-65,000]						
169	35158F	CONSTANT SOURCE	7,500		7,500		7,500			7,500
170	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	1,900		1,900		1,900			1,900
171	41316F	SENIOR CITIZEN	[ ]			[3,300]				
172	41840F	MAC COMMAND AND CONTROL SYSTEM	11,400		11,400		11,400			11,400
173	44011F	SPECIAL OPERATIONS FORCES	2,000		2,000		2,000			2,000
998		TACTICAL CLASSIFIED	801,800	-65,000	736,800	49,300	851,100	-114,300	49,300	851,100
174	31305F	INTELLIGENCE PRODUCTION ACTIVITIES	[ ]	[5,000]						
175	31310F	FOREIGN TECHNOLOGY DIVISION	[ ]			[8,000]				
176	31314F	INFRARED/E-O/DIRECTED ENERGY PROCESSING	[ ]	[2,217]						
177	31315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[-24,857]		[-2,400]			[-24,857]	
178	31317F	SENIOR YEAR OPERATIONS	[ ]							
179	31324F	FOREST GREEN	[ ]						[-1,500]	
180	31339F	INTEL TELECOM & DEFENSE SPECIAL SECURITY	[ ]							
181	31257F	NUDET DETECTION SYSTEM	[ ]							
182	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	15,300		15,300		15,300			15,300
183	33126F	LONG-HAUL COMMUNICATIONS (DCS)	3,400		3,400		3,400			3,400
184	33144F	ELECTROMAG COMPATIBILITY ANALYSIS CENTER	10,159		10,159		10,159			10,159
185	33401F	COMMUNICATIONS SECURITY (COMSEC) CLASSIFIED PROGRAM	[ ]							
186	34111F	SPECIAL ACTIVITIES	[ ]	[202,300]		[131,400]			[59,800]	
187	35114F	TRACALS	12,800		12,800		12,800			12,800
188	35159F	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
189	35164F	NAVSTAR GLOBAL POSITIONING SYS (USER EQ)	21,700		21,700		21,700			21,700
190	35165F	NAVSTAR GPS (SPACE AND CONTROL SEGMENTS)	59,845		59,845		59,845			59,845
999		INTEL & COMMUNICATIONS CLASSIFIED	2,395,354	184,660	2,580,014	137,000	2,532,354	47,660	33,443	2,428,797
191	63402F	SPACE TEST PROGRAM	53,700		53,700		53,700			53,700
192	63438F	SATELLITE SYSTEMS SURVIVABILITY	3,300		3,300		3,300			3,300
193	64211F	ADVANCED AERIAL TARGET DEVELOPMENT	21,900		21,900		21,900			21,900
194	64227F	TRAINING SYSTEMS DEVELOPMENT	37,224		37,224		37,224			37,224
195	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	3,300		3,300		3,300			3,300
196	64408F	ADVANCED LAUNCH SYSTEM	125,000	-51,000	74,000	-40,000	85,000	-11,000	-40,000	85,000
197	64609F	R&M MATURATION/TECHNOLOGY INSERTION	22,992		22,992		22,992			22,992
198	64707F	WEATHER SYSTEMS - ENG DEV	7,000		7,000		7,000			7,000
199	64735F	RANGE IMPROVEMENT	69,772		69,772	-10,000	59,772	10,000		69,772

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
200	64747F	ELECTROMAGNETIC RADIATION TEST FACILITIE	4,678		4,678		4,678			4,678
201	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST	54,100		54,100		54,100			54,100
202	65101F	PROJECT AIR FORCE	23,100		23,100		23,100			23,100
203	65306F	RANCH HAND II EPIDEMIOLOGY STUDY							9,460	9,460
204	65502F	SMALL BUSINESS INNOVATIVE RESEARCH								
205	65708F	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	27,279		27,279		27,279			27,279
206	65712F	INITIAL OPERATIONAL TEST & EVALUATION	27,172		27,172		27,172			27,172
207	65807F	TEST AND EVALUATION SUPPORT	423,826	-25,000	398,826		423,826	-25,000	-25,000	398,826
208	65808F	DEVELOPMENT PLANNING	20,603		20,603		20,603		-6,603	14,000
209	65809F	DYCOMS								
210	65856F	ENVIRONMENTAL COMPLIANCE	12,373		12,373		12,373			12,373
211	65863F	RDT&E AIRCRAFT SUPPORT	45,300		45,300		45,300			45,300
212	65876F	MINOR CONSTRUCTION (RPM) - RDT&E	842		842		842			842
213	65878F	MAINTENANCE AND REPAIR (RPM) - RDT&E	12,200		12,200		12,200			12,200
214	65894F	REAL PROPERTY MAINTENANCE - RDT&E							42,502	42,502
215	65896F	BASE OPERATIONS - RDT&E	123,300	-20,000	103,300	-50,000	73,300	30,000	-20,000	103,300
216	35110F	SATELLITE CONTROL NETWORK	104,300		104,300		104,300			104,300
217	35119F	MEDIUM LAUNCH VEHICLES	41,800		41,800		41,800			41,800
218	35130F	CONSOLIDATED SPACE OPERATIONS CENTER								
219	35138F	UPPER STAGE SPACE VEHICLES	42,700	-38,552	4,148	-28,552	14,148	-10,000	-38,552	4,148
220	35144F	TITAN SPACE LAUNCH VEHICLES	142,800		142,800		142,800			142,800
221	35160F	DEFENSE METEOROLOGICAL SATELLITE PROG	23,300		23,300		23,300			23,300
222	35171F	SPACE SHUTTLE OPERATIONS								
223	71112F	INVENTORY CONTROL POINT OPERATIONS	1,200		1,200		1,200			1,200
224	72207F	DEPOT MAINTENANCE (NON-IF)	2,900		2,900		2,900			2,900
225	78011F	INDUSTRIAL PREPAREDNESS	73,370	-50,000	23,370	-73,370		23,370	-50,000	23,370
225a	68011F	MANUFACTURING TECHNOLOGY DEVELOPMENT		103,500	103,500			103,500	115,000	115,000
225b		MANUFACTURING TECHNOLOGY INITIATIVE				146,200	146,200	-146,200		
226	78012F	LOGISTICS SUPPORT ACTIVITIES	6,171		6,171		6,171			6,171
227	78026F	PRODUCTIVITY, RELIABILITY, AVAILABILITY,	23,689		23,689		23,689			23,689
228	91218F	CIVILIAN COMPENSATION PROGRAM	5,300		5,300		5,300			5,300
229	1001004F	INTERNATIONAL ACTIVITIES	3,727		3,727		3,727			3,727
229a		DOMESTIC ACTIVITIES		17,500	17,500			17,500	17,500	17,500
		AFMC CALS								
		ADVANCED OPTICAL SYSTEM								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		EXCIMER LASER								
		SPECIAL TECHNICAL PROJECTS								
		PURCHASES FROM DBOF				-7,844	-7,844	7,844	-7,844	-7,844
		EXCESS INVENTORIES							-3,878	-3,878
		CIVILIAN PERSONNEL BENEFITS							1,000	1,000
		INFLATION ADJUSTMENT							-27,000	-27,000
		EXCESS PERSONNEL COSTS							-59,346	-59,346
		TRAVEL				-5,100	-5,100	5,100	-5,100	-5,100
		TOTAL RDT&E AIR FORCE	14,532,375	-290,288	14,242,087	-461,644	14,070,731	171,356	-300,675	14,231,700

Defense research sciences

The amended budget request included $237.4 million for defense research sciences.

The House bill reduced the requested amount by $8.5 million.

The Senate amendment would authorize the requested amount.

The conferees recommend $237.4 million for defense research sciences, including $1.0 million for micro-mechanical machining and $10.5 million for seismic research as outlined in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Materials technology

The amended budget request included $84.8 million for materials technology, program element 602102F.

The House bill would reduce the requested amount by $10.0 million.

The Senate amendment would reduce the requested amount by $4.1 million.

The House recedes.

The conferees agree that of the funds authorized for materials research, $4.7 million shall be utilized for microencapsulated phase change materials. Because of the wide range of applicability of this research in the technology base, the Air Force is authorized to transfer the $4.7 million to another program element if such a transfer were appropriate to structure an efficient research program.

Global surveillance/air defense/precision strike

The amended budget request contained $25.0 million for the Air Force to pursue various programs under the global surveillance/air defense/precision strike technical "thrust" area.

The House bill would authorize only $12.5 million.

The Senate amendment would authorize the requested funds.

The conferees share the concern of the House that there is no clear philosophy informing Air Force plans and that the current program represents little more than a shopping list. The conferees believe it would be imprudent to provide funds as requested, and recommend an authorization of $12.5 million for fiscal year 1993. The conferees expect the Air Force to develop more realistic plans in this area in future budget submissions.

Space surveillance technology

The amended budget request contained $24.8 million for development of space surveillance technology by the Air Force.

The House bill would authorize the requested amount. The House report (H. Rept. 102-527) also expressed support for the Have Gaze program and required a report from the Secretary of the Air Force on plans to move this technology forward.

The Senate amendment also would authorize the requested amount. The Senate report (S. Rept. 102-352) argued that further analysis is required to compare this technology with other related efforts. The Senate report also required a report from the Secretary on when Have Gaze technology will be ready to proceed to an airborne test bed and flight demonstration.

The conferees agree to authorize $5.5 million for the Have Gaze program and direct the Secretary of the Air Force to provide a report to the congressional defense committees not later than March 31, 1993 on any plans to move this technology forward, including an assessment of when it could be expected to proceed to an airborne test-bed and flight demonstration. The report also should incorporate the results of the independent technical review of the technology required in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). If the independent review is favorable and DOD desires to initiate an airborne test bed in fiscal year 1993, the Committees on Armed Services of the Senate and House of Representatives would consider a reprogramming request.

Extremely high frequency communications

The amended budget request contained substantial funds for RDT&E and procurement of extremely high frequency (EHF) satellite communications terminals for the Army, Navy, and Air Force.

The House bill would authorize the requested amounts.

The Senate amendment would adjust the requested amounts to reflect the availability of prior year funds.

The House recedes.

The conferees agree to reduce the request for fiscal year 1993 Navy EHF terminal procurement by $13.5 million; and Air Force EHF terminal procurement by $8.0 million. A similar reduction to the Army's satellite terminal RDT&E program is described elsewhere in this statement of the managers.

In addition, the conferees direct the Air Force to select only one contractor to complete procurement of the command post terminal program. This downselect competition, along with reduced procurement quantities, will result in savings of $121.5 million in fiscal year 1993. Accordingly, the conferees authorize a total of $82.0 million for Milstar terminal procurement in the Air Force.

The conferees also endorse the concerns expressed in the Senate report (S. Rept. 102-352) about plans of the Strategic Defense Initiative Organization (SDIO) to develop its own EHF communications payload and unique waveform for strategic defense applications.

Advanced very low frequency receiver

The amended budget request contained $10.7 million for the minimum essential emergency communications network (MEECN) program in the Air Force.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $5.0 million to continue development of the advanced, very low frequency receiver (AVR) system for variety of strategic command and control applications. This program was recently transferred from the B-2 program to the MEECN program without the funding required to sustain the effort. The Senate report (S. Rept. 102-352) also raised concerns about potential problems in assuring communications to the bomber force.

The conferees agree with the Senate position but direct DOD to reprogram funds for this effort from lower priority programs. The conferees urge the Secretary of the Air Force to continue this effort in the fiscal years 1994/1995 budget request.

Follow-on early warning system

The amended budget request contained $251.2 million to continue the demonstration and validation phase of the follow-on early warning satellite system (FEWS).

The House bill would authorize the requested amount.

The Senate amendment would authorize $206.2 million, a reduction of $45.0 million.

The Senate recedes.

The conferees concur with the concerns expressed in the Senate report (S. Rept. 102-352) about the failure of the Defense Department to fully fund the FEWS program in the Future Year Defense Program (FYDP). The conferees are encouraged, however, by recent actions of the Under Secretary of Defense for Acquisition to address this problem, and expect full funding in the fiscal year 1994/1995 budget request.

Spacetrack

The amended budget request contained $53.1 million for the Air Force spacetrack program.

The House bill would authorize $14.9 million less than the requested amount to terminate funding for antisatellite-related battle management development.

The Senate amendment would authorize funding for the effort terminated by the House bill.

The Senate recedes.

The Senate amendment would authorize an additional $39.5 million for the spacetrack program for the advanced electro-optical system.

The House bill contained no similar authorization.

The House recedes.

The Senate amendment would authorize $25.8 million to continue development and testing of the Have Stare radar within the general defense intelligence program (GDIP) account.

The House bill contained no similar authorization.

The House recedes.

The conferees agree to continue funding the Have Stare radar but direct that resource sponsorship for the program be shifted from the GDIP to the tactical intelligence and related activities account in the Air Force. Accordingly, the conferees agree to authorize the Have Stare program in the spacetrack line. Additional guidance on this program is contained in the classified annex to this statement of the managers.

C-17 development

The amended budget request included $210.0 million for continued development of the C-17 airlift aircraft.

The House bill would approve the requested amount.

The Senate amendment would approve $180.8 million, based on information in a reprogramming request that $29.2 million in fiscal year 1993 funds would be excess to requirements for the program.

The Senate recedes. The conferees direct the Air Force to use the $29.2 million to conduct live-fire and realistic survivability testing on major components and subsystems of the C-17.

Follow-on tactical reconnaissance system

The amended budget request contained funds in various accounts to continue the development of the follow-on tactical reconnaissance system (FOTARS).

The House bill would authorize the funds as requested, and would also add $35.5 million to accelerate efforts to correct various problems experienced in the program.

The Senate amendment would terminate the current FOTARS program in light of the problems. The Senate amendment would authorize $15.3 million to develop a technical data package for the FOTARS system, and would authorize $50.0 million to establish a competition on an accelerated basis to select a new developer for the system. The Senate report (S. Rept. 102-352) also criticized the current scope of the program, noting that the Air Force and the Navy had substantially scaled back procurement of reconnaissance pods and ground stations because of cost increases in the program.

The conferees recommend an authorization of $62.6 million in research and development and $18.2 million in procurement. The conferees express their disappointment with the progress and content of the FOTARS pro-

gram, but believe that the best alternative is to proceed with the current program, though with several conditions.

First, the Under Secretary of Defense for Acquisition is directed to report to the Congress if at any point he learns that the FOTARS program has failed to meet the near-term milestones identified to him by the Air Force on September 1, 1992.

Second, not more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies the following:

the Navy has restructured its program to acquire terminals and data links so that data links are procured and made operational on the same schedule as that set for terminals and not later than the initial operational capability of Marine Corps FOTARS capability;

the Chairman of the Joint Chiefs of Staff has polled the major warfighting commanders in chief (the Atlantic, Pacific, Central, European, and Southern Commands) to determine their requirements for ground stations;

the Department has conducted a study of the joint service imagery processing system (JSIPS) capacity required to support the current Defense Guidance;

the Joint Requirements Oversight Council has reviewed the full program and established a baseline to ensure joint participation in the program;

the Future Year Defense Program contains sufficient ground stations to meet the minimum requirements of the Defense Guidance and the warfighting commanders in chief.

Finally, the Air Force shall take such steps as are required to develop a technical data package for the advanced tactical air reconnaissance system (ATARS) program in order to be able to conduct a competition for production not later than the second year of procurement of the program.

National launch system

The amended budget request contained $125.0 million for the DOD portion of the joint DOD-NASA national launch system (NLS) program.

The House bill would authorize $74.0 million. The House report (H. Rept. 102-527) directed the continued development of the new space transportation main engine while NLS requirements were being reviewed.

The Senate amendment would authorize $85.0 million. The Senate report (S. Rept. 102-352) presents arguments for restructuring the NLS program to develop the smallest of the proposed family of vehicles first rather than last. The Senate report also emphasized that the administration has not addressed the implications of the NLS design approach for satellite design and constellation planning.

The House recedes.

The conferees are frustrated by the failure of the administration and Congress to come to grips with the future course of space launch systems. The administration is still attempting to pursue no less than three potentially major launch programs—an aerospace plane, a new booster family, and a nuclear propulsion system—not one of which is fully funded. The administration must prioritize these programs and eliminate—or reduce in scope—those which have no realistic chance of being funded.

The NLS program is said to represent the future of the launch industry. However, of the three NLS variants, the one that would most benefit DOD and the commercial sector is being pursued last, while DOD and the commercial sector have no use for the NLS variant that is being pursued first. Perhaps as a consequence, the launch industry as a whole has not demonstrated much support for the program. The spacecraft community, similarly, appears to have little enthusiasm for the program and has shown little willingness to change its satellite design and operational practices to exploit the putative advantages of the NLS. NASA does not appear to be able to afford to pay half the cost of the NLS and DOD cannot afford to pay more than half. Support in Congress for a substantial NASA contribution to the current program does not appear to exist.

At the same time, study after study within the administration concludes that current U.S. space launch systems and practices are archaic and non-competitive, which could have adverse economic and military consequences in the future.

The conferees urge the administration to establish a coherent NLS program. The conferees believe that the current division of labor between NASA and DOD is not sustainable and that the program itself must be restructured. The conferees direct that not more than half of the funds appropriated to DOD for NLS may be obligated until the Secretary of Defense submits a report to the congressional defense committees that (1) certifies that DOD and NASA have programmed enough funds in their respective future years plans to fully fund NLS; (2) describes in detail a transition plan for NLS for each booster and satellite program, with associated costs; (3) provides total program cost and the respective shares of DOD and NASA; (4) describes DOD and NASA program responsibilities in detail; (5) analyzes the time required for DOD to recoup its investment in an NLS program under an austere mission model; and (6) describes any planned changes in satellite programs and constellations to take advantage of NLS capabilities that could outweigh a strict cost assessment of the NLS program.

The conferees intend to restructure or terminate the NLS program in their review of the fiscal years 1994/1995 budget request if the administration does not develop a coherent program.

Electronics combat integrated test project

The conferees agree to resume the electronic combat integrated test project and authorize use of up to $5.0 million in program element 65807F for the addition of this project's capabilities to the Air Force's Benefield Anechoic Facility at Edwards Air Force Base.

Space nuclear thermal propulsion

The amended budget request contained $38.6 million to continue development of nuclear thermal propulsion technology for a variety of space transportation applications.

The House bill would terminate this program.

The Senate amendment would authorize $10.0 million to continue component technology development at a low level of effort.

The House recedes.

The conferees agree to authorize $10.0 million for technology development in a 6.2 technology base line and continue to share the concerns expressed in both the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Air Force manufacturing technology

The amended budget request included $73.4 million for Air Force manufacturing technology.

The House bill would increase the program by $53.5 million.

The Senate amendment would increase the program by $69.8 million.

The conferees recommend an increase of $65.0 million which would include $5.0 million for the national center for tooling components, $20.0 million for the national center for manufacturing sciences (NCMS), and $1.5 million for the platform for the automated construction of intelligent systems (PACIS) program. The conferees agree that the $20.0 million for NCMS should be provided through a cooperative agreement or contract in lieu of a grant and encourage the Department of the Air Force to require NCMS to obtain matching funds from non-federal sources and to agree on a research plan of mutual interest to the Air Force and to the NCMS private sector members.

The conferees agree that the total authorization of $138.4 million should be divided as follows:

	Millions
Program element 708011F	$23.4
Program element 608011F	115.0

Theater air command and control simulation facility

The amended budget request contained no funds to continue the operation of the theater air command and control simulation facility (TACCSF) by the Air Force. The Defense Department had planned to terminate operation of the facility in fiscal year 1992, but Congress provided additional funds to continue its operation through fiscal year 1992.

While no funds were requested and none were authorized in either the House bill or the Senate amendment, funds were included in the House and Senate defense appropriation bills for fiscal year 1993 for continued operati 0 n of the facility.

The conferees believe that the plans to continue operation of the TACCSF facility are redundant and an unnecessary duplication of a more advanced capability that is being developed under the auspices of the Strategic Defense Initiative. The conferees believe, however, that there is a potential justification for continued operation of the TACCSF facility. Operation Desert Storm demonstrated new potential patterns of command and control of air warfare. New systems like JSTARS became critical elements, while older command and control systems like the airborne command and control centers proved virtually irrelevant. If there is any reason to continue operation of the TACCSF facility, it is to model and simulate this new air warfare command and control environment for purposes of developing and refining operational procedures, especially for joint operations.

Therefore, the conferees direct that any funds appropriated for continued operation of the TACCSF facility may not be expended after April 1, 1993 unless the Secretary of the Air Force certifies by that date that the TACCSF facility does not duplicate the capabilities of the extended air defense test bed, and further certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to continue operation of the TACCSF facility throughout the period it covers.

RESEARCH AND DEVELOPMENT, DEFENSE AGENCIES

Overview

The amended budget request for fiscal/year 1993 contained an authorization of $10,053.4 million for Defense Agencies research, development, test, and evaluation. The House bill would authorize $9,629.6 million. The Senate amendment would authorize $10,391.0 million. The conferees recommend authorization of $10,203.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL DEF AG								
1	61101E	DEFENSE RESEARCH SCIENCES	126,078	-10,000	116,078		126,078	-10,000	-10,000	116,078
2	61101W	IN-HOUSE LABORATORY INDEPENDENT RESRCH							4,323	4,323
2a	61101D	IN-HOUSE LABORATORY INDEPENDENT RESRCH		9,275	9,275			9,275		
3	61103D	UNIVERSITY RESEARCH INITIATIVES	99,909	62,000	161,909	10,000	109,909	52,000	89,000	188,909
3a	61102D	DEFENSE RESEARCH SCIENCES		49,032	49,032			49,032		
3b		COMPUTER ASSISTED EDUCATION				15,000	15,000	-15,000		
4	61106D	RESEARCH PROJECTS								
5	61109D	US-JAPAN MANAGEMENT TRAINING				10,000	10,000	-10,000	10,000	10,000
6	61112D	CRITICAL TECHNOLOGY CENTER								
7	62109H	SUPERCONDUCTIVE MAGNETIC ENERGY STORAGE		50,000	50,000			50,000		
8	62222D	COUNTERTERROR TECHNICAL SUPPORT	6,990		6,990	3,010	10,000	-3,010	3,000	9,990
9	62225D	CONCEPT EVALUATION	14,979	-14,979			14,979	-14,979	-14,979	
10	62227D	MEDICAL FREE ELECTRON LASER		20,000	20,000			20,000	20,000	20,000
11	62228D	HISTORICALLY BLACK COLLEGES AND UNIVERS				15,000	15,000	-15,000	15,000	15,000
11a	62223D	MISSION SUPPORT TECHNOLOGY		4,330	4,330	4,330	4,330			
12	62301E	STRATEGIC TECHNOLOGY	377,100	-50,000	327,100		377,100	-50,000	20,000	397,100
13	62702E	TACTICAL TECHNOLOGY	109,300	6,000	115,300		109,300	6,000	-9,108	100,192
14	62707E	PARTICLE BEAM TECHNOLOGY				6,000	6,000	-6,000		
15	62708E	INTEGRATED COMMAND AND CONTROL TECH		75,000	75,000			75,000		
16	62712E	MATERIALS AND ELECTRONICS TECHNOLOGY	71,800	140,000	211,800	60,000	131,800	80,000	91,800	163,600
16a		ADVANCED MATERIALS PARTNERSHIPS				30,000	30,000	-30,000	30,000	30,000
17	62714E	TREATY VERIFICATION								
17a	62XXXE	POST-LAUNCH DESTRUCT TECHNOLOGY		15,000	15,000			15,000	15,000	15,000
18	62715H	DEFENSE NUCLEAR AGENCY	409,957	-50,000	359,957	-37,000	372,957	-13,000	-37,000	372,957
18a	62787D	MEDICAL TECHNOLOGY		107,764	107,764			107,764		
18b	63002D	ADVANCED MEDICAL TECHNOLOGY		36,172	36,172			36,172		
18c	63105D	MEDICAL HIV RESEARCH		3,247	3,247	20,000	20,000	-16,753		
		STRATEGIC DEFENSE INITIATIVE								
19	63214C	SPACE BASED INTERCEPTORS	575,558	-575,558		-225,558	350,000	-350,000	-275,558	300,000
20	63215C	LIMITED DEFENSE SYSTEM	2,134,755		2,134,755	-44,755	2,090,000	44,755	-94,955	2,039,800
21	63216C	THEATER MISSILE DEFENSES	857,725		857,725	139,775	997,500	-139,775	-857,725	
22	63217C	OTHER FOLLOW ON SYSTEMS	849,596	-321,296	528,300	-449,596	400,000	128,300	-549,596	300,000
		SDI GENERAL REDUCTION				-500,000	-500,000	500,000		
23	63218C	RESEARCH AND SUPPORT ACTIVITIES	754,740	-178,020	576,720	-354,740	400,000	176,720	-354,740	400,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		TACTICAL MISSILE DEFENSE INITIATIVE							935,000	935,000
24	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEV	18,976		18,976	3,024	22,000	-3,024	3,024	22,000
25	63226E	EXPERIMENTAL EVAL OF MAJOR INNOVATIVE TE	270,867	-29,718	241,149	16,000	286,867	-45,718	-20,338	250,529
25a		NATIONAL GUARD/DARPA SIMULATION				20,000	20,000	-20,000	20,000	20,000
25b		NATIONAL GUARD SIMNET CENTER				10,000	10,000	-10,000	10,000	10,000
25c		COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS				50,000	50,000	-50,000	50,000	50,000
25d		DUAL USE EXTENSION ASST PROGRAM				200,000	200,000	-200,000	200,000	200,000
25e		REGIONAL TECHNOLOGY ALLIANCES				100,000	100,000	-100,000	100,000	100,000
25f		CENTER FOR INDUSTRIAL BASE ANALYSIS				5,000	5,000	-5,000	5,000	5,000
25g		UUV TECHNOLOGY				5,000	5,000	-5,000	5,000	5,000
25h		ADVANCED ASW TECHNOLOGY				15,000	15,000	-15,000		
25i		ADVANCED STOVL TECHNOLOGY				5,000	5,000	-5,000		
25j		AUTOMATIC LANDING SYSTEMS				900	900	-900		
25k		CENTER FOR DEFENSE ECONOMIC ADJUSTMENT							2,000	2,000
25l		DEFENSE PROCUREMENT TECHNICAL ASSISTANCE								
26	63227E	RELOCATABLE TARGET DETECTION TECHNOLOGY								
27	63231D	MINIATURE DIAGNOSTIC PROTON ACCELERATOR								
28	63569E	ADVANCED SUBMARINE TECHNOLOGY	57,900	-7,900	50,000		57,900	-7,900		57,900
29	63570E	PRE-COMPETITIVE TECHNOLOGY DEVELOPMENT								
29a		DUAL USE CRITICAL TECHNOLOGY PARTNERSHIPS				100,000	100,000	-100,000	100,000	100,000
30	63704D	SPECIAL TECHNICAL SUPPORT	9,289		9,289		9,289			9,289
31	63706E	MICROWAVE/MILLIMETER WAVE MONOLITHIC INT								
32	63707E	PROTOTYPING OF ADVANCED TECHNOLOGIES &								
33	63715D	AIM-9 CONSOLIDATED PROGRAM								
34	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROG				200,000	200,000	-200,000	200,000	200,000
35	63717D	EXCIMER LASER TECHNOLOGY				10,000	10,000	-10,000	10,000	10,000
36	63718D	MEDICAL RESEARCH								
37	63719D	FOCUS HOPE		20,000	20,000	20,000	20,000		20,000	20,000
38	63720D	ENVIRONMENT SPECIAL PROJECT								
38a	63722D	MEDICAL DEVELOPMENT (FLEET HOSPITAL)		12,449	12,449			12,449		
39	63736D	COMPUTER AIDED LOGISTICS SUPPORT	11,216		11,216	5,000	16,216	-5,000		11,216
40	63737D	BALANCED TECHNOLOGY INITIATIVE	172,340	-77,000	95,340	4,000	176,340	-81,000	-22,340	150,000
41	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH		20,000	20,000			20,000	20,000	20,000
42	63739E	MANUFACTURING TECHNOLOGY	255,400	-75,000	180,400	-133,400	122,000	58,400	-128,400	127,000
42a	6XXXXE	SEMATECH		100,000	100,000	100,000	100,000		100,000	100,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
42b		ELECTRONIC MODULE TECHNOLOGY				75,000	75,000	-75,000	75,000	75,000
42c		HIGH DEFINITION DISPLAY SYSTEMS				100,000	100,000	-100,000	100,000	100,000
42d		ADVANCED LITHOGRAPHY				75,000	75,000	-75,000	75,000	75,000
43	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	9,019	25,000	34,019	7,500	16,519	17,500	25,000	34,019
43a		HIGH PERFORMANCE COMPUTING MODERNIZATION				43,000	43,000	-43,000	20,000	20,000
44	63756E	CONSOLIDATED DOD SOFTWARE INITIATIVE								
45	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	16,859		16,859		16,859			16,859
46	35108K	COMMAND AND CONTROL RESEARCH	1,833		1,833		1,833			1,833
47	72807E	INFRARED FOCAL PLANE, ARRAY								
48	1140011BB	ADVANCED SPECIAL OPERATIONS R&D AND ACQ								
49	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	2,940	1,000	3,940		2,940	1,000	1,000	3,940
50	1160402BB	SPECIAL OPERATIONS ADVANCED TECH DEV	14,399		14,399		14,399			14,399
51	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	549		549		549			549
52	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	67,079		67,079		67,079			67,079
53	63734J	ISLAND SUN SUPPORT	31,045		31,045	-12,163	18,882	12,163	-9,342	21,703
54	63741D	AIR DEFENSE INITIATIVE	231,220	-34,000	197,220	-34,000	197,220		-34,000	197,220
55	64225C	THEATER MISSILE DEFENSES	140,000		140,000	-140,000		140,000	-140,000	
56	32016K	NATIONAL MILITARY COMMAND SYS-WIDE SPPT	9,083		9,083		9,083			9,083
57	32019K	WWMCCS SYSTEMS ENGINEER	9,182		9,182		9,182			9,182
58	33131K	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	3,335		3,335		3,335			3,335
59	33154K	WWMCCS ADP MODERNIZATION	29,503		29,503		29,503			29,503
60	63228D	PHYSICAL SECURITY EQUIPMENT	26,611		26,611		26,611			26,611
61	63709D	JOINT ROBOTICS PROGRAM	19,422		19,422		19,422			19,422
62	63710D	CLASSIFIED PROGRAM - C3I	15,781		15,781		15,781			15,781
63	63714D	NON-ACOUSTIC ASW	30,000		30,000	15,000	45,000	-15,000	15,000	45,000
64	63715D	AIM-9 CONSOLIDATED PROGRAM	28,143		28,143		28,143			28,143
65	63743D	THEATER TACTICAL BALLISTIC MISSILE DEFEN								
65a	63807D	MEDICAL SYSTEMS ADV DEVELOPMENT		29,042	29,042			29,042		
66	64702D	JOINT STANDOFF WEAPONS PROGRAM								
67	64705D	MOBILE OFFSHORE BASE ANALYSIS								
67a	64706D	AEROMEDICAL SYSTEMS DEVELOPMENT		2,753	2,753			2,753		
68	64771D	JOINT TACT INFO DISTRIB SYSTEM (JTIDS)	80,802		80,802		80,802			80,802
68a	64773D	MEDICAL DEVELOPMENTS (MED/DENTAL EQUIP DEV)		4,113	4,113			4,113		
68b	64807D	MEDICAL MATERIAL/BIOLOGICAL DEFENSE EQUIP		20,209	20,209			20,209		
69	21135J	CINC C2 INITIATIVES	1,786		1,786		1,786			1,786

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
70	21135K	CINC C2 INITIATIVES								
70a		JCS SIMULATION CENTER/DOCTRINE DEVELOPMENT				10,000	10,000	-10,000		
71	28045K	C3 INTEROPERABILITY (JOINT TACTICAL C3 A	25,381		25,381		25,381			25,381
72	28298K	MANAGEMENT HQ (JOINT TACTICAL C3 AGENCY)								
73	35141D	JOINT REMOTELY PILOTED VEHICLES PROGRAM	129,059	15,000	144,059	-68,200	60,859	83,200	15,000	144,059
74	35815D	GENERAL SUPPORT FOR SO/LIC				2,000	2,000	-2,000	1,500	1,500
75	1110011BB	FORCE ENHANCEMENTS-ACTIVE								
76	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	158,223		158,223		158,223		-5,900	152,323
77	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYS DEV	11,897	17,000	28,897		11,897	17,000	17,000	28,897
78	1160408BB	SOF OPERATIONAL ENHANCEMENTS	73,681	-51,700	21,981		73,681	-51,700	-31,200	42,481
79	31011G	CRYPTOLOGIC ACTIVITIES	[ ]	[33,550]		[22,000]			[28,404]	
80	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[76,350]		[7,000]			[36,800]	
81	31398L	MANAGEMENT HEADQUARTERS GDIP	[ ]							
82	33126K	LONG-HAUL COMMUNICATIONS (DCS)	15,968		15,968		15,968			15,968
83	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	3,295		3,295		3,295			3,295
84	33401G	COMMUNICATIONS SECURITY (COMSEC)	[ ]	[-10,000]					[-5,000]	
85	34311D	SELECTED ACTIVITIES								
86	35139B	DMA MAPPING, CHARTING, AND GEODESY (MC&G	55,949		55,949		55,949			55,949
87	35154I	AIRBORNE RECONNAISSANCE SUPPORT PROG	203,300		203,300	-23,300	180,000	23,300		203,300
88	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	6,127		6,127		6,127			6,127
89	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
90	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	55,835		55,835		55,835			55,835
91	35167G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
92	35190D	C3I INTELLIGENCE PROGRAMS	12,849		12,849		12,849			12,849
93	35830K	CENTER FOR INFORMATION MANAGEMENT	3,470		3,470		3,470			3,470
94	35884L	INTELLIGENCE PLANNING AND REVIEW ACTIVIT	[ ]	[17,000]					[12,000]	
95	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]							
96	35889G	INTELLIGENCE SUPPORT TO OSD COUNTERNARC	[ ]							
97	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[ ]							
98	1160409BB	OTHER FORCE PROGRAMS	1,170		1,170		1,170			1,170
999		INTEL & COMMUNICATIONS CLASSIFIED	1,156,283	116,900	1,273,183	29,000	1,185,283	87,900	72,204	1,228,487
99	63705D	MANUFACTURING TECHNOLOGY								
100	63708D	INTEGRATED DIAGNOSTICS	11,275		11,275		11,275			11,275
101	63790D	NATO R&D/US-ISRAEL ENDOWMENT	80,804		80,804		80,804		-16,000	64,804
102	63832D	DEFENSE MODELING/SIMULATION OFFICE				60,000	60,000	-60,000	60,000	60,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
103	64722D	JOINT SERVICE EDUCATION AND TRAINING SYS								
104	65104D	TECHNICAL SUPPORT TO USD(A)	39,161	-5,000	34,161	5,000	44,161	-10,000	-5,000	34,161
105	65106D	GENERAL SUPPORT FOR PA&E								
106	65107D	GENERAL SUPPORT FOR POLICY								
107	65108D	GENERAL SUPPORT FOR NET ASSESSMENT								
108	65109D	GENERAL SUPPORT FOR FM&P								
109	65110D	TECHNICAL SUPPORT TO USD(A)-CRITICAL TEC								
110	65112D	RAND NATIONAL DEFENSE RESEARCH INSTITUTE								
111	65114E	BLACK LIGHT	5,000		5,000		5,000			5,000
112	65116D	GENERAL SUPPORT TO C3I								
113	65117D	FOREIGN MATERIAL ACQUISITION AND EXPLOIT	11,913		11,913		11,913			11,913
113a		FOREIGN TECHNOLOGY MONITORING				2,000	2,000	-2,000		
114	65119D	GENERAL SUPPORT FOR P&L								
		DTS- JOINT PROJECT OFFICE								
115	65120S	DEFENSE BUSINESS OPER FUND TECH INFO SER	6,100		6,100		6,100			6,100
116	65135D	ENVIRONMENTAL CENTER								
117	65136D	FLEXIBLE COMPUTER INTEGRATED MANU SYS								
117a	65125D	STUDIES AND ANALYSES		111	111			111		
117b	65306D	RANCH HAND II EPIDEMIOLOGY STUDY		9,460	9,460			9,460		
118	65502D	SMALL BUSINESS INNOVATIVE RESEARCH								
119	65502E	SMALL BUSINESS INNOVATIVE RESEARCH								
120	65711D	CRITICAL TECHNOLOGY ANALYSIS								
121	65798S	DEFENSE SUPPORT ACTIVITIES	13,400		13,400		13,400			13,400
121a	65800D	MEDICAL COMMAND SUPPORT		3,495	3,495			3,495		
122	65801S	DEFENSE TECHNICAL INFORMATION CENTER								
123	65802S	INFORMATION ANALYSIS CENTERS								
124	65803D	R&D IN SUPPORT OF DOD ENLISTMENT, TEST &								
124a	65861D	SCIENCE/TECH MGT (NAVMED MGT SUPPORT)		7,990	7,990			7,990		
124b	65862D	RDT&E INSTRUMENTATION & MATERIAL SUPPORT		3,139	3,139			3,139		
125	65872D	PRODUCTIVITY INVESTMENTS								
126	65898E	MANAGEMENT HQ (RESEARCH AND DEV)	20,175		20,175		20,175			20,175
126a	65898D	MANAGEMENT HQ COMMAND		5,452	5,452			5,452		
127	35889D	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
128	35889E	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
129	78011S	INDUSTRIAL PREPAREDNESS							29,000	29,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
129a	68011S	MANUFACTURING TECHNOLOGY DEVELOPMENT		40,500	40,500			40,500	37,000	37,000
129b		MANUFACTURING TECHNOLOGY INITIATIVE				118,000	118,000	-118,000		
129c		MANUFACTURING EDUCATION PROGRAM				25,000	25,000	-25,000	25,000	25,000
129d		MFG MANAGERS IN THE CLASSROOM				5,000	5,000	-5,000	5,000	5,000
129e		MANUFACTURING EXTENSION PROGRAM				100,000	100,000	-100,000	100,000	100,000
129f		ADVANCED MANUFACTURING PARTNERSHIPS							25,000	25,000
130	101015D	TECHNOLOGY SECURITY FUNCTIONS								
130a		JOINT US/CIS RESEARCH & DEVELOPMENT PROG		25,000	25,000			25,000		
		LIDAR				11,600	11,600	-11,600	11,600	11,600
		SPECIAL TECHNICAL PROJECTS								
		INTERNATIONAL NUCLEAR NONPROLIFERATION								
		PURCHASES FROM DBOF				-802	-802	802	-802	-802
		TRAVEL				-1,027	-1,027	1,027	-1,027	-1,027
		EXCESS INVENTORY							-397	-397
		INFLATION ADJUSTMENT							-19,000	-19,000
		UNDISTRIBUTED				496,990	496,990	-496,990		
		TOTAL RDT&E DEFENSE AGENCIES	10,053,381	-423,738	9,629,643	337,588	10,390,969	-761,326	150,044	10,203,425

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request
		DIRECTOR OF TEST & EVAL DEFENSE							
1	64940D	CENTRAL TEST & EVAL INVESTMENT DEV (CTEI	116,060		116,060	-8,000	108,060	8,000	-8,000
2	65130D	FOREIGN COMPARATIVE TESTING	35,301		35,301	-4,000	31,301	4,000	-4,000
3	65131D	LIVE FIRE TESTING	11,078		11,078		11,078		
4	65804D	DEVELOPMENT TEST AND EVALUATION	119,268	-20,000	99,268	-8,000	111,268	-12,000	-8,000
		TOTAL DEVELOPMENTAL TEST	281,707	-20,000	261,707	-20,000	261,707		-20,000
		DIRECTOR OF OPERATIONAL TEST & EVALUATION							
1	65118D	OPERATIONAL TEST AND EVALUATION	12,983		12,983		12,983		
		TOTAL OPERATIONAL TEST	12,983		12,983		12,983		

University research initiatives

The amended budget request included $99.9 million for university research initiatives.

The House bill would add $62.0 million for the Department of Defense experimental program to stimulate competitive research and for the augmentation awards for science and engineering research training program. The House report (H. Rept. 102-527) also noted that $15.0 million in this program element was for the historically Black colleges and universities program (HBCU).

The Senate amendment would add $10.0 million for science and engineering fellowships.

The conferees agree that the HBCU program should be funded in program element 602228 and that the $15.0 million authorized in the Senate report (S. Rept. 102-352) for computer assisted education and the $2.0 million authorized for foreign technology monitoring should be funded from the university research initiatives line. The conferees further agree to authorize a total of $188.9 million to fund all the programs mentioned above, as described in the House report (H. Rept. 102-527) and the Senate report (S. Rept. 102-352).

Liquid metal magnetohydrodynamics

The House bill would provide $15.0 million for a liquid metal magnetohydrodynamics project (LMMHD) to be funded from NATO research and development funds.

The Senate amendment did not authorize funds for this project.

The conferees agree that the LMMHD project should be pursued as a university research initiative and add $15.0 million to program element 601103D, university research initiatives in the Defense Agencies, to fund this project.

Supercomputer development and modernization

The amended budget request contained $162.9 million for high performance computing and communication (HPC) and no funding for supercomputer modernization in the Department of Defense laboratories.

The House bill would reduce the HPC request by $45.0 million and redistribute the funds to the military Services for supercomputer utilization.

The Senate amendment would authorize the amended budget request for the HPC program and an additional $43.0 million for supercomputer modernization.

The conferees agree that the DARPA HPC program is a vital part of the national HPC initiative of the White House Office of Science and Technology Policy (OSTP), and that effective technology and information transfer between government and industry is essential to not only effectively communicate business opportunity and program progress and plans but to allow external critical assessments to be made by outside experts as well. The conferees are encouraged that DARPA and OSTP have strengthened their management teams as a result of congressional concerns. Therefore, the conferees recommend the requested amount for the DARPA HPC program.

The conferees are also encouraged to have received the Department of Defense supercomputer modernization plan called for in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), but are dismayed that the plan fails to indicate any intent to fund supercomputer acquisition activity.

The conferees direct the Secretary of Defense to initiate funding in the fiscal years 1994/1995 request for the modernization elements detailed in the plan. As an interim measure, the conferees recommend $20.0 million in addition to the unspent fiscal year 1992 funds for DOD to acquire existing supercomputers and ensure availability of supercomputer training, access time on available machines, and software development for specific high priority projects. The conferees direct that funds received by industrial-funded laboratories and centers for this initiative shall not be subject to regulations associated with the Defense Business Operations Fund (DBOF).

Tactical technology

The amended budget request included $109.3 million for tactical technology in DARPA.

The House bill would add $6.0 million for a charged particle beam program.

The Senate amendment would authorize a charged particle beam program but would not identify the source of funding.

The conferees agree to authorize $7.6 million for tactical technology in DARPA, $6.0 million for the charged particle beam program, and $1.6 million for the advanced modular cogeneration and power management system.

The conferees agree to a total authorization of $100.2 million for tactical technology.

Materials and electronics technology

The amended budget request included $71.8 million for materials and electronics technology.

The House bill would add $140.0 million to the requested amount for research on the following: lithography, fuel cells, optoelectronics, MIMIC, electronic module technology, and diamond and silicon carbide materials.

The Senate amendment would add $60.0 million for the following: optoelectronics, nanoelectronics, and metal matrix composites.

The conferees agree to the following additional projects at the amounts indicated:

	Millions
Optoelectronics	$25.0
Nanoelectronics	9.0
Metal matrix composites	26.0
MIMIC	10.0
Fuel cells	11.8
Diamond and silicon carbide materials	10.0

The conferees agree that the Department of Defense should competitively select the best technologies to use in its fuel cell power plant demonstration project for a variety of applications, including automative and other power supply. The Department of Defense is also encouraged to solicit cost-sharing proposals from industry for this dual-use project. The conferees agree that DARPA should take advantage of its ongoing work in metal matrix composites to the maximum degree possible to find ways of inserting this new technology into emerging military and commercial products.

Defense Nuclear Agency

The amended budget request contained $410.0 million for the Defense Nuclear Agency (DNA).

The House bill would authorize $360.0 million.

The Senate amendment would authorize $373.0 million.

The House recedes.

The Senate report (S. Rept. 102-352) contained extensive guidance, direction, and recommendations on DNA roles and missions, funding, and management. The Senate report expressed concern that the DNA budget has been increasing despite the reduction in the threat and declining defense budgets overall. The Senate report called for a comprehensive review of DNA roles and missions, and emphasized the view that DOD should retain a focal point within the Department for nuclear weapons matters. The Senate report urged, and in some cases directed, that DOD utilize DNA expertise gained through decades of research and modeling of nuclear, hydrodynamic, and other short-lived phenomenology for a broad range of important non-nuclear requirements.

The conferees agree that DOD must retain a focal point within the Department for nuclear weapons expertise. Such an organization remains essential both to meet traditional requirements—such as monitoring the status of nuclear weapons and analyses of the safety and security of U.S. nuclear weapons, providing operational support to the Chairman of the Joint Chiefs of Staff and the combatant commands, hardening of both nuclear and conventional systems to the effects of nuclear weapons, and planning for and conducting weapons effects tests—and to provide important capabilities and expertise in support of relatively recent missions, such as arms control verification, assistance in the dismantling and disposal of nuclear weapons in the former Soviet Union, and the monitoring of nuclear proliferation.

The conferees also agree that, in lieu of the directives contained in the Senate report, DNA roles and missions, funding, and management should be reviewed at the highest levels of the Defense Department. The conferees direct the Defense Science Board and a group composed of the Vice Chairman of the Joint Chiefs of Staff, the Director of Tactical Warfare Programs, and the Director of Strategic and Theater Nuclear Forces to review these matters, and make recommendations to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. The Chairman should address the future of DNA in his overall roles and missions review, and the Secretary of Defense shall report to the congressional defense committees on changes to or expansion of the DNA charter, if any, not later than May 1, 1993.

Of the specific recommendations in the Senate report, the conferees agree only to authorize $20.0 million for continuation of the joint Navy/DNA electrothermal gun program and to authorize $15.0 million to accelerate simulator development. The conferees direct the Director of Defense Research and Engineering, in coordination with the Director of DNA and the Secretary of the Navy, to report jointly to the congressional defense committees on development and test milestones and objectives for the Navy/DNA electrothermal gun program.

Experimental evaluation of innovative technology

The amended budget request included $270.9 million for the experimental evaluation of innovative technology.

The House bill would reduce the amended budget request by $29.7 million, which would result from a reduction of $34.7 million for a classified program, and an addition of $5.0 million for gamma-gamma ray resonance imaging.

The Senate amendment would add $16.0 million to the requested amount for low-cost digital terrain mapping.

The conferees agree to both the House and Senate changes to the requested amount. In addition, the conferees agree to the House recommendation that $50,000 be utilized to evaluate low frequency synthetic aperture earth penetrating radar.

The conferees agree that the total authorization for experimental evaluation of innovative technology shall be $250.5 million.

Advanced short takeoff and vertical landing aircraft (ASTOVL)

The Senate report (S. Rept. 102-352) recommended an additional authorization of $5.0 million to the Defense Advanced Research Projects Agency (DARPA) to continue its evaluation of an advanced short takeoff and vertical landing (ASTOVL) technology demonstration program.

The House report (H. Rept. 102-527) contained no similar recommendation.

The conferees believe that this program could have broad implications for a future generation, multi-role/strike fighter. Indications are that new technologies could allow the Department of Defense to develop a STOVL aircraft which offers low cost, stealth, speed, and agility. Such an aircraft, which the Department could procure as current generation, multi-role and strike aircraft retire, would present an excellent candidate for multi-service development by the Navy, Air Force, and Marine Corps.

Accordingly, the conferees direct that $5.0 million of the funds requested in fiscal year 1993 for experimental evaluation of major innovative technology (DARPA R&D program element 603226E) be used to prepare for the next step in development of the STOVL strike fighter concept. The conferees expect that this step will lead to a large scale model and component testing.

Automatic landing systems

The Senate amendment would authorize $0.9 million for Defense Advanced Research Projects Agency (DARPA) research on technologies to provide situational awareness for flight operations in and around airfield approach zones. The Senate report (S. Rept. 102-352) supported DARPA interest in multilateral technology to reduce the cost and improve the safety of automatic landing systems. Such technology developments have the potential to enable precision control of aircraft to so-called "category 1" minimum standards.

The House bill contained no similar authorization.

The Senate recedes.

The conferees direct the Director of DARPA to further evaluate automatic landing systems technology. If that assessment indicates that research could lead to useful improvements, the Director should provide a plan for funding additional research as part of the budget request for fiscal years 1994/1995.

Unmanned undersea vehicle technology

The Senate amendment would add $5.0 million to continue the development of fuel cell technology for underwater weapons and larger manned submarines.

The House bill contained no similar authorization.

The House recedes. The conferees believe that advanced fuel cells for use in unmanned undersea vehicles and host platforms have great potential for both military and commercial applications. The conferees strongly encourage the continuation of the DARPA and Navy program in the development of this technology.

Advanced ASW technology

The Senate amendment would recommend an additional $15.0 million for the experimental evaluation of major innovative technologies (EEMIT) program managed by the Defense Advanced Research Project Agency (DARPA). These funds would be used to explore ways to apply massive computer processing capabilities to the solution of ASW problems.

The House bill contained no similar authorization.

The Senate recedes. The conferees are encouraged by the significant progress that has been made in applying massively-parallel computers to the problem of submarine detection and classification. Automation of ASW processing for detection and classification, which heretofore has been almost exclusively dependent upon human operators, holds great promise for improving surveillance in both deep and shallow water regions, reducing manpower requirements, and providing improved capabilities. The conferees strongly encourage (1) DARPA and the Department of Defense to continue funding support for this program, and (2) the Navy to move the technology into current and future operational systems as soon as feasible.

Advanced submarine technology

The amendment budget request included $57.9 million for the advanced submarine technology program in the Defense Advanced Research Projects Agency (DARPA).

The House bill would authorize $50.0 million for this program.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees note with great satisfaction the impressive progress in advanced submarine technology that has been made under DARPA leadership. The conferees also are pleased that DARPA and the Navy have transferred many of the more mature technologies to the Navy's technology base and advanced submarine system development programs. The conferees encourage DARPA to continue its support of this program and assess the contribution DARPA can make to the further development of advanced submarine warfare technology, as recommended in the House report (H. Rept. 102-527).

Excimer laser technology

The Senate amendment would authorize $10.0 million to continue development of low-earth orbit, space object imaging technology.

The House bill contained no similar authorization.

The House recedes. The conferees endorse the guidance for this program contained in the Senate report (S. Rept. 102-352).

Balanced technology initiative

The conferees agree that the Department of Defense should report to the Committees on Armed Services of the Senate and the House of Representatives not later than April 15, 1993 regarding the Department's future plans for the balanced technology initiative (BTI). The conferees also agree that, as part of the BTI program, DARPA shall investigate a wide area surveillance platform aerobody and associated phased array radar technology. The Department of Defense should assess the benefit of a multi-year investigation beyond fiscal year 1993.

The conferees further agree to authorize $150.0 million, including $13.8 million for electric gun research, for the balanced technology initiative.

Electric armaments technology program

The conferees have reviewed with great interest the *DOD Electric Armaments Technology Program Report* dated June 4, 1992, which was submitted to the congressional defense committees in response to the direction contained in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The conferees commend the Department of Defense for the thoroughness of the report. The report provides the congressional defense committees a comprehensive review of the program objectives, potential applications, technical accomplishments, management, and funding required by the military Services and participating agencies for the program through fiscal year 1995.

Over the last decade, a robust national effort has made significant progress in electric armaments technology. The conferees believe, however, that the promise of electric armaments technology will be realized only if the program continues on a solid scientific basis to identify and overcome technological barriers in gun propulsion, pulsed power, projectile/lethality, and simulation modeling. Then it must demonstrate by means of advanced technology demonstrations or modifications to fielded systems the maturity of the technology and its readiness for further development.

It is clear from the size of the program and the complexity of the technologies that there must be a coordinated electric armaments technology program with clearly defined objectives and milestones against which progress is measured. Among the military Services and defense agencies, the program should focus on resolving critical technology issues and minimizing duplication, while still maintaining competition. In concert with the defense reliance effort, such a program should make efficient use of the limited resources that will be available in future defense budgets.

The conferees direct the Director of Defense Research and Engineering to provide to the congressional defense committees by February 28 each year through 1995, an updated report on the electric armaments technology program which addresses technological progress during the past fiscal year, the extent to which program objectives and milestones have been met, funding obligations, and changes in program structure. The report should also project future plans, milestones, and funding requirements through the end of the current multi-year defense plan.

Manufacturing technology

The amended budget request included $255.4 million for manufacturing technology.

The House bill would reduce the requested amount by $75.0 million by transferring $80.0 million from the manufacturing technology account to another account for SEMATECH, and adding $5.0 million for coal utilization centers of excellence.

The Senate amendment would reduce the requested amount by $133.4 million by transferring $133.4 million from the manufacturing technology account to other accounts for SEMATECH, electronic module technology, and high definition displays.

The conferees agree to transfer the funds as proposed in the Senate amendment and to add $20.0 million to SEMATECH, for a total of $100.0 million; $31.4 million to electronic module technology, for a total of $75.0 million; and $95.0 million to high definition displays, for a total of $100.0 million. The conferees also agree to the House addition of $5.0 million for the coal utilization centers of excellence.

The conferees further agree that $10.0 million of the funds authorized for SEMATECH should be utilized for development of pollution-preventing, environmentally safe microchip manufacturing process. In executing this mandate, SEMATECH is expected to consult appropriate environmental and labor organizations.

Advanced lithography

The conferees agree that DARPA should maintain a balance of investigative efforts in

cross cutting as well as competing advanced lithography technologies as recommended in the Senate report (S. Rept. 102-352). DARPA should also recognize the importance of lithography for other applications such as micro machining technologies. The conferees further agree to authorize the specific x-ray projects set forth in the House report (H. Rept. 102-527).

Software initiative

The amended budget request included $9.0 million for a software initiative.

The House bill would add $25.0 million to the requested amount for the Software Engineering Institute, the National Applied Software Engineering Center, and university-based software research.

The Senate amendment would add $7.5 million to the requested amount to continue the DARPA reusable software initiative.

The conferees agree to add $25.0 million, $7.5 of which is for the reusable software technology adoption program under the DOD consolidated software initiative.

Special operations technology development

The amended budget request included $2.9 million for special operations technology development.

The House bill would increase the requested amount by $1.0 million to investigate portable power sources, including specialized batteries.

The Senate amendment would approve the requested amount.

The Senate recedes.

Non-acoustic antisubmarine warfare

The amendment budget request contained $30.0 million for non-acoustic antisubmarine warfare (NAASW) RDT&E in the Office of the Secretary of Defense (OSD).

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $15.0 million for this effort.

The House recedes.

The conferees reiterate their strong support, as expressed in section 217 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), for two viable, independent non-acoustic ASW programs within the Department of Defense. The conferees have included additional guidance and direction on NAASW in the classified annex to this statement of the managers.

Joint remotely piloted vehicles program

The amended budget request contained $129.1 million to continue development of various unmanned air vehicles under the joint remotely piloted vehicles (RPV) program.

The House bill would authorize the requested amount, and would also authorize an additional $15.0 million to examine alternative vertical take off and landing (VTOL) technologies in addition to the tilt-rotor technology, which is the only approach under consideration by the joint project office.

The Senate amendment would authorize $60.9 million, eliminating $68.2 million associated with the medium range RPV program.

The conferees recommend a total authorization of $144.1 million. Concerning the VTOL technologies, the conferees recommend the addition of $15.0 million to the requested amount. The conferees direct that those funds may be used only for purposes of developing alternative VTOL technologies other than the tilt rotor technology, and beginning the integration of technology, such as common automatic landing systems, which possess broad application throughout the family of unmanned vehicles.

The conferees express serious reservations over the management of these programs by the joint project office. Remarkably little progress has been registered during the past five years in this area. The conferees believe the Secretary of Defense should undertake a comprehensive management review of the joint program office.

Manufacturing technology initiative

The House bill would authorize $40.5 million for a manufacturing technology initiative.

The Senate amendment would authorize $118.0 million for such an initiative.

The conferees agree to authorize the following:

	Millions
STEP program	$2.0
Defense Logistics Agency Mantech	29.0
Agile manufacturing programs	30.0
Manufacturing partnerships with foreign sources	5.0
Total	66.0

The conferees agree that of the funds provided, at least $7.5 million shall be for apparel manufacturing demonstrations. The conferees also agree that this program should be executed in accordance with the House report (H. Rept. 102-527) and the Senate report (S. Rept. 102-352). The conferees again note their agreement that this program be managed by the Under Secretary of Defense for Acquisition and not by the Assistant Secretary of Defense for Production and Logistics.

Defense Modeling and Simulation Office

The Senate amendment contained $60.0 million in research and development funds and $10.0 million in procurement funds to continue operations of the newly-established Defense Modeling and Simulation Office (DMSO).

The House bill contained no similar authorization.

The conferees are pleased at the significant progress that has been achieved by the DMSO during the past year and recommend an authorization of $10.0 million in procurement and $60.0 million in research and development. The conferees expect, however, that the Defense Department will budget the funds required to continue operations of the DMSO in future budget submissions.

Joint simulation center for warfighting concepts and doctrine development

The Senate amendment would authorize $10.0 million to establish a Joint Simulation Center for Doctrine and Concept Development under the Joint Chiefs of Staff.

The House bill contained no similar authorization.

The conferees understand that the Joint Chiefs of Staff support the establishment of this center, but that it is not possible to establish the center by February 1, 1993, the date specified in the Senate report (S. Rept. 102-352). The JCS has indicated that it would be possible to establish the center by June 1, 1993.

The conferees welcome the constructive approach outlined by the JCS. The conferees believe that a charter for the center should be established not later than July 1, 1993. Since the implementation date would fall so later in the fiscal year, the conferees do not believe that funds are likely to be needed during fiscal year 1993. The conferees strongly support the establishment of the joint simulation center, and if funds are needed in fiscal year 1993, the Defense Department should utilize resources made available through the Defense Modeling and Simulation Office.

Army National Guard advanced simulation project

The National Guard Bureau and the Defense Advanced Research Projects Agency have jointly developed a program to introduce advanced simulation technology to improve the peacetime readiness and wartime mobilization of National Guard roundout brigades. The program was initiated with funds appropriated for the Defense Modeling and Simulation Office in fiscal year 1992. In order to continue the project, the Senate amendment would authorize $20.0 million for fiscal year 1993.

The House bill would not authorize any funds for this purpose.

The conferees recommend an authorization of $20.0 million.

National Guard armor simulation center

The Senate amendment would authorize $10.0 million to establish a National Guard armor simulation center in conjunction with existing simulation facilities at the Army's Armor Center at Ft. Knox, Kentucky.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million.

University research indirect costs

The Senate report (S. Rept. 102-352) included the following discussion of university research indirect costs:

In response to abuse of the overhead reimbursement process by certain universities, the Office of Management and Budget has imposed a cost cap on administrative indirect cost reimbursements during the review of indirect cost reimbursements for institutions of higher education. The committee notes that university research is one of the jewels in our national technology base, and that it is imperative that any such rules not impose disincentives to the continuation of practices that have led to world class leadership by our university research institutions. In addition, the committee notes that there are important differences between contracts and grants, and expects that the final rules will contain appropriate provisions reflecting these differences.

The House report (H. Rept. 102-527) contained no similar discussion.

The conferees endorse the Senate report's discussion of this issue.

Endowment for Defense Industrial Cooperation (sec. 205)

The House bill contained a provision (sec. 204) that would authorize $10.0 million for the U.S. share of the initial capitalization of a U.S.-Israel Endowment for Defense Industrial Cooperation. The provision would offset the $10.0 million authorization by reducing by $10.0 million the funds authorized for Navy advanced submarine system development.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to Congress a report on the benefits and limitations of establishing a U.S.-Israel Endowment for Defense Industrial Cooperation.

V-22 Osprey aircraft program (sec. 211)

The House bill contained a provision (sec. 211) that would require the Department of Defense to develop, manufacture, and oper-

ationally test three production representative V-22 aircraft. These would be in addition to the three production representative aircraft authorized and appropriated in fiscal year 1992. The House provision would also require the Secretary of Defense to request necessary funds in future budget requests to complete development, manufacture, and operational testing of six production representative V-22 aircraft.

The Senate amendment included a similar provision (sec. 211) which would not require the Secretary of Defense to request additional funds in future budget requests for the V-22 aircraft program.

The Senate amendment also included a provision (sec. 212) that would require the Commandant of the Marine Corps to submit a report by September 1, 1992, on the crash of the V-22 Osprey prototype aircraft on July 20, 1992. The provision would prohibit obligating any more than 50 percent of the fiscal year 1993 V-22 funds until the Commandant had submitted the report.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would:

authorize the use of $755.0 million only for the V-22 Osprey aircraft program,

direct the use of fiscal year 1993 and prior year funds only for the development, manufacture, and operational testing of V-22 Osprey or derivative tiltrotor aircraft, and

limit the obligation of any more than 50 percent of the fiscal year 1993 funds until the Commandant has submitted the crash report.

The required report on the recent crash should highlight any investigation conclusion that points to possible flaws with the V-22 prototype aircraft design. The conferees are most interested in any potential design flaws that the government/contractor team could not correct within the scope of the congressionally-directed program to develop, manufacture, and test V-22 Osprey or derivative tiltrotor aircraft.

The conferees note that the current V-22 full-scale development (FSD) program is being operated under a fixed-price contract. Many of the terms and conditions under which that agreement was reached are no longer valid. Given the change in program direction proposed by the Secretary of Defense, the conferees believe that it is no longer cost-effective or prudent to complete a number of tasks called for in the existing FSD contract. The conferees understand that any new V-22 contract will be a cost-plus type instrument. Since it would be difficult to manage various phases of the effort under two such disparate contracting vehicles, therefore, the conferees believe that the Defense Department should move expeditiously to reduce the scope of the FSD contract, as appropriate, and close it out.

Special operations variant of the V-22 Osprey aircraft (sec. 212)

The Senate amendment included a provision (sec. 213) that would authorize the expenditure of $15.0 million in Defense Agencies research and development funds for work on the special operations variant of the V-22 aircraft.

The House bill contained no similar provision.

The House recedes.

Extension of prohibition on testing MIRACL against an object in space (sec. 213)

The House bill contained a provision (sec. 213) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized in law.

The Senate amendment contained no similar provision.

The Senate recedes.

One-year delay in transfer of management responsibility for Navy mine countermeasures program (sec. 215)

The House bill contained a provision (sec. 216) that would delay implementation of section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). Section 216 requires that management of Navy mine countermeasures (MCM) research and development programs be transferred to an office within the Office of the Secretary of Defense unless the Secretary certified by June 1, 1992, that the Navy had fully funded a program that met the requirements of the combatant commanders.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay implementation of the transfer. The amendment would also require the Secretary of Defense to submit the required certification for the following fiscal year with the submission of the amended budget request for that year, rather than by June 1 of each year, as originally stipulated.

The conferees believe that the Navy has been operating in good faith to develop and implement a more robust plan for MCM research and development. The conferees also understand that only a technical problem prevented the Secretary from making the required certification this year. The conferees, however, do not intend that this amendment be interpreted as a willingness to waive section 216 again.

Light armored vehicle—105 millimeter gun (LAV-105) program (sec. 216)

The House bill contained a provision (sec. 217) that would direct the Secretary of the Navy to reinstate the engineering and manufacturing systems development program for the LAV-105 program and to obligate the fiscal year 1992 funds authorized and appropriated for this purpose. The provision would also require that $14.7 million of fiscal year 1993 Navy research and development funds be spent only for completion of the development and operational testing of the LAV-105 vehicle.

The Senate amendment contained no similar provision, but included $14.7 million for the fiscal year 1993 LAV-105 program.

The Senate recedes with an amendment.

Advanced research projects (sec. 217)

The House bill contained a provision (sec. 219) that would clarify the authority of the Department of Defense to enter into certain cooperative research and development agreements.

The Senate amendment contained no similar provision.

The Senate recedes.

Superconductive magnetic energy storage (sec. 218)

The House bill contained a provision (sec. 221) that would authorize $50.0 million for the superconducting magnetic energy storage (SMES) project and restrict obligation of R&D funds for the Defense Nuclear Agency (DNA) until all existing requirements established by law pertaining to that project have been complied with or the Secretary of Defense has submitted to the Armed Services Committees of the Senate and the House of Representatives, a detailed explanation as to why those requirements have not been satisfied.

The Senate amendment contained no similar provision.

The conferees have been made aware of the draft joint Department of Defense/Department of Energy (DOD/DOE) plan for SMES development. This plan has been distributed informally to the appropriate congressional oversight committees. The conferees believe the draft plan fulfills the intent of Public Law 102-190. Consequently, the Senate recedes with an amendment that would direct DOD and DOE to revise the draft DOD and DOE plan for SMES and require the revision to be submitted to the Congress not later than 30 days after the enactment of this bill. The conferees further direct the Secretary of Defense to release all remaining funds for SMES for the conduct of the technical tasks in the revised plan. In accordance with the plans, no fiscal year 1993 funds are required; therefore, the House recedes from adding $50.0 million. Prior legislation relating to planning activity and contractor "downselect" would be repealed.

Missile defense programs (secs. 231-234)

Theater missile defense initiative (sec. 231)

The House bill contained a provision (sec. 231) that would create a theater missile defense initiative (TMDI) and transfer all programs, projects, and activities formerly associated with the SDIO theater missile defense (TMD) program element and their associated research and development and procurement funding to TMDI. The provision would authorize $62.5 million for TMDI procurement for fiscal year 1993 and $997.7 million for TMDI research and development, of which not less than $90 million would be available for Naval TMD programs, projects, and activities.

The Senate amendment contained no similar provision. However, the Senate amendment would authorize $62.5 million for fiscal year 1993 for TMD procurement within the overall funds provided to SDI and $997.5 million for TMD research and development programs, projects, and activities.

The Senate recedes. The conferees agree to create a TMDI as directed in the House bill. In directing this action, the conferees do not intend to rule out any arrangement the Secretary of Defense may determine is most appropriate for the management and program direction of the TMDI, including placing TMDI under the management and direction of the Director of SDIO. Regardless of what organizational relationship the Secretary determines is appropriate between SDI and TMDI, the conferees direct the Secretary of Defense to ensure that TMDI and SDI programs, projects, and activities that share common technologies or requirements be closely coordinated, including the use of combined or joint funding and management where appropriate. This direction is designed to avoid redundancy, to obtain both technological and financial efficiencies, and to maximize the incorporation of common technologies in specific theater and strategic missile defense systems. Furthermore, the Secretary may use the authority to transfer a limited amount of funding from SDI program element funding to TMDI during fiscal year 1993 to help promote these efficiencies. Finally, the conferees invite the Secretary to consider the establishment of joint activities funding lines within both TMDI and SDI for fiscal year 1994 and thereafter so as to clearly identify those programs, projects, and activities which are common to both theater and strategic missile defense systems.

The conferees agree to authorize $75.2 million for fiscal year 1993 for TMDI procurement and $935 million for TMDI research and development and to eliminate the TMD program element under SDI.

Strategic Defense Initiative funding (sec. 232)

The House bill contained a provision (sec. 232) that would authorize $3.4 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.13 billion for the limited defense system (LDS), no funds for space-based interceptors (SBI), $528.3 million for other follow-on systems, and $576.7 million for research and support (R&S). The House bill would provide a total of $4.3 billion in SDI and TMDI funds in fiscal year 1993.

The Senate amendment contained a provision (sec. 222) that would authorize a total of $3.8 billion for SDI in fiscal year 1993 and, in addition to the TMD funding authorization described above, establish the following ceilings on the four non-TMD SDI program elements: $2.09 billion for LDS, $350 million for SBI, $400 million for other follow-on systems, and $400 million for R&S. The provision would also declare that nothing in this act shall be construed to authorize the exercise of any option to fabricate or field elements of a user operational evaluation system (UOES) at the initial ABM site.

The conferees agree to authorize a total of $3.04 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.04 billion for LDS, $300 million for SBI, $300 million for other follow-on systems, and $400 million for R&S. In combination with the procurement and research and development funds which the conferees agree to authorize under the TMDI, the conference agreement would provide a total of $4.5 billion in SDI and TMDI funds in fiscal year 1993.

The conferees do not object to continued planning by SDIO of the various UOES options for the initial ABM site. However, since no proposal on exercising a particular UOES early fielding option is expected to be proposed to Congress by the Defense Department prior to 1995, the conferees make no decision at this time on any of the UOES options for the initial ABM site. The conferees therefore agree to the provision in the Senate bill that would declare that nothing in this act is to be construed to authorize the exercise of any of these options.

Reporting on transfers and allocation of funding for TMDI and SDI (sec. 233)

The House bill contained a provision (sec. 232(d)) that would authorize the Secretary of Defense to transfer up to 10 percent of the funds to or from any of the four Strategic Defense that the missile defense goal of the United States is to comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto, while deploying an anti-ballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles; maintain strategic stability; and provide highly effective theater missile defense (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

Deployment dates

The House bill contained a provision (sec. 233(b)) that would delete the deployment date in the MDA for the initial ABM site but retain the deployment date for TMD systems in the MDA.

The Senate amendment contained a provision (sec. 221) that would delete the specific dates that had been incorporated in section 233(b) of the MDA as goals for achieving the deployment of advanced theater missile defense (TMD) systems and the initial anti-ballistic missile (ABM) system.

The House recedes. The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components. On July 2, 1992, the Secretary of Defense submitted a report to Congress in accordance with section 233(b)(3) of the MDA outlining his plan for the development for deployment of advanced TMD systems and the initial ABM system. The conferees also endorse SDIO plans to develop, test, and field UOE prototypes for the THAAD system by 1996. The conferees believe that the baseline programs for TMD and the limited defense system (LDS) as set forth in this report constitute a low-to-moderate technical risk and low-to-moderate concurrency program. Under these programs, deployment of the initial ABM site of the LDS would occur in the year 2002, and advanced TMD systems would attain their initial operational capabilities (IOCs) in the same time frame.

Transfer of far-term, follow-on technologies

The Senate amendment contained a provision (sec. 221(b)) that would require the Secretary of Defense to transfer responsibility for the research and development of far-term, follow-on technologies (that is, technologies not likely to be weaponized within the next 10–15 years) to the Defense Advanced Research Projects Agency (DARPA) or the appropriate Service until Initiative program elements provided under the House bill, and to submit a report to the congressional defense committees on the allocation of funding, after any such transfers, for each SDI program, project, or activity. The report would be required not later than 90 days after enactment.

The Senate amendment contained a similar provision (sec. 222(c)), except that such transfers would be permitted among the five program elements, including TMD, of SDI under the Senate bill. However, the transfer authority would not be available to transfer funds out of the TMD program element.

The Senate recedes with an amendment. In light of the provision elsewhere in this Act that would create a separate theater missile defense initiative within the Department of Defense, the conferees agree to permit transfers to occur as provided in both bills among the four remaining program elements of SDI, and to permit transfers from the four SDI program elements to TMDI. None of the four SDI program elements could be reduced by more than 10 percent of the amount authorized for such elements in the conference agreement and funding for none of those four SDI elements, or for TMDI, could be increased by more than 10 percent of the amount authorized in the conference agreement. The transfer authority could not be used to reduce TMDI funding below the amount authorized in the conference agreement for that program.

The flexibility to transfer funds to TMDI from SDI program elements will assist in helping ensure that efficiencies can be obtained for technology development programs having both strategic and theater missile defense applications.

Revision of the Missile Defense Act of 1991 (sec. 234)

U.S. missile defense goals

The House bill contained a provision (sec. 233) that would amend the Missile Defense Act (MDA) of 1991 to state expressly that it is a goal of the United States to maintain compliance with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic defense missile system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto. The provision would further modify the MDA to state that it is a goal of the United States to deploy an ABM system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM Treaty, as modified by any protocol or amendment thereto.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree they are mature enough to warrant their transfer to SDIO, unless he certifies that the national security interests of the United States require a particular project, project, or activity now under the other follow-on technologies program element to be maintained under SDIO.

The House provision contained no similar provision.

The House recedes.

Arms control considerations

The Senate amendment contained a provision (sec. 221(a)) that would revise section 233(a)(2) of the MDA to clarify that the ground-based surveillance and tracking system (GSTS) pop-up optical probe is a sensor system not prohibited by the ABM Treaty (i.e., an adjunct) and therefore one of a series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

The House bill contained no similar provision.

The House recedes. The conferees are concerned by the apparent gap between SDIO planning assumptions with regard to programs that raise ABM Treaty compliance problems and the progress to date in U.S. and Russian efforts to negotiate amendments of the ABM Treaty. The conferees urge the President to continue to pursue the changes to, and clarifications of, the ABM Treaty as provided in section 233(c)(2) of the MDA. However, pending further negotiation of such revisions, the conferees direct SDIO to plan the architecture for the initial, Treaty-compliant ABM site on the basis of the Treaty as now constituted and not as it may be revised. The conferees are aware that SDIO is pursuing a proposal to upgrade PAVE PAWS and BMEWS early warning radars (EWRs) to expand the coverage of the initial site. The administration has not yet determined if the testing and utilization of such upgraded EWRs would be compliant with the Treaty. If the administration ultimately determines that the testing and utilization of such upgraded radars in an ABM mode does not violate the Treaty, then the conferees agree that such upgraded EWRs

would be another in that series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

Development and testing of ABM systems or components (sec. 235)

The Senate amendment contained a provision (sec. 223) that would specify that funds provided to the Defense Department for fiscal year 1993 and previous years may not be obligated or expended for the development or testing of anti-ballistic missile (ABM) systems or components unless such development or testing is consistent with the development and testing described in the July 1992 SDIO report.

The House bill contained a virtually identical provision (sec. 234).

The House recedes.

Limitation regarding SDIO support services contracts (sec. 236)

The Senate amendment contained a provision (sec. 224) that would limit the Strategic Defense Initiative Organization (SDIO) to expenditures of $100 million for procurement of support services, defined as professional, administrative, and management support services, special studies and analysis, and contractors/consultants.

The House bill contained no similar provision.

The House recedes with an amendment that would set the limit at $135 million.

The conferees are aware that only 259 federal employees were assigned to SDIO in August 1992 to manage the largest single R&D program in the Defense Department, and that SDIO has used contracts to procure the technical, scientific, and engineering support required to accomplish its mission. The conferees urge the Director of SDIO to minimize the disruption caused by this limitation by first reducing contracts for administrative, clerical, management support, studies and analysis, and consultant services.

The Secretary of Defense is directed to undertake a study of the civilian and military manning levels in SDIO in order to determine the number and qualifications of civil service employees required to provide the services SDIO has previously been procuring by contract. The Secretary shall take actions to ensure that SDIO has sufficient civilian and military personnel to accomplish its mission as defined in the Missile Defense Act.

Medical countermeasures against biowarfare threats (sec. 241)

The House bill contained a provision (sec. 222) that would prohibit the obligation of expenditure of any funds authorized for product development or for research, development, test, and evaluation of medical countermeasures against biowarfare threat agents that have not been assessed by the Armed Forces Medical Intelligence Center in conjunction with the national intelligence community as being developed or produced for weaponization purposes.

The Senate amendment contained a provision (sec. 231) that would authorize no more than $59.67 million for fiscal year 1993 for the medical component of the biological defense research program (BRDP). The provision would also extend through fiscal year 1993 the limitations on the medical component of the BRDP contained in section 251 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House recedes.

National aerospace plan (sec. 242)

The amended budget request contained $175.5 million for the national aerospace plan (NASP).

The House bill would authorize the requested amount.

The Senate amendment would terminate the program. The Senate report (S. Rept. 102-352 argued that NASP is unaffordable in the current budget environment; DOD has failed to program funds for the program in the Future Year Defense Program; and NASA has failed to contribute its share of funding.

The conferees agree that the Department of Defense should pursue a vigorous technology base program in hypersonic research. The conferees conclude that the technology is not mature enough to make a decision on the feasibility of a mach 25 orbital flight test vehicle and that the cost of such a program may be prohibitive. The conferees are also disturbed by the chaotic signals on the NASP effort emanating from NASA management, and by the lack of support for the NASA contribution to this joint program from NASA and Congress. Last year, the conferees served "notice to the administration that the NASP program will *not* be permitted to become a civilian space program activity overwhelmingly funded by DOD." Despite this admonition, no funding will be available from NASA in fiscal year 1993 for this program.

In light of the above, the conferees recommend a provision that would prohibit DOD from obligating funds for NASP after fiscal year 1993 in amounts greater than twice the amount provided for NASP in the Housing and Urban Development and Independent Agencies appropriations act for that fiscal year. For fiscal year 1993, the conferees agree to authorize $150.0 million for the purpose of completing the current three-year phase of the NASP program. The conferees agree that completing the technology development phase is the responsible way to terminate the current effort, and make an informed decision about the future feasibility and direction of hypersonic flight programs. The conferees direct that no more than half the appropriate funds for NASP in fiscal year 1993 may be obligated until the Secretary of Defense certifies to the congressional defense committees that the Department of Defense and NASA have budgeted sufficient funds to complete the program's technology assessment phase. The conferees also serve notice that further support for an orderly phase-out of the current program will depend on the NASA contribution in future years.

Landsat (sec. 243)

The Senate amendment contained a provision (sec. 839) that would authorize the Department of Defense to contract for the development, procurement, and support to operations of the seventh Landsat earth resources satellite.

The House bill contained no similar provision.

The House recedes.

The conferees agree to provide DOD the authority to proceed with the acquisition of Landsat 7 in the event that Congress fails to enact a comprehensive land remote sensing policy act during the 102 Congress. Also, the government cannot afford to wait longer to begin satellite acquisition if it wishes to ensure continuity in Landsat services in the late 1990s. The conferees emphasize the limited nature of the provision and stress the importance of revising the Land Remote Sensing Act of 1984.

LEGISLATIVE PROVISIONS NOT ADOPTED

Department of Defense Comptroller

The House bill included a provision (sec. 212) that would require the Department of Defense to reduce the number of personnel in the Office of the DOD Comptroller by five percent per month for every month that the Department failed to implement the V-22 aircraft program authorized and appropriated by Congress.

The Senate amendment contained no similar provision.

The House recedes. The Secretary of Defense has agreed to move forward with implementing the V-22 program authorized and appropriated by Congress.

P-3 maritime patrol aircraft modernization program

The House bill contained a provision (sec. 214) that would direct the Secretary of the Navy to obligate fiscal year 1992 funds appropriated to upgrade the propulsion plant and to make airframe payload and endurance improvements in the P-3 aircraft. It would authorize an additional $90.0 million of fiscal year 1993 funds for this purpose. The provision would also require the Secretary of Defense to include funds in future budget requests to execute whatever P-3 modernization program is approved by the Defense Acquisition Board (DAB).

The Senate amendment contained no similar provision. The Senate report (S. Rept. 102-352) directed the Navy not to eliminate any P-3 squadrons from the Navy's planned force structure (18 active and nine reserve squadrons) before fiscal year 1996. The report also directed the Secretary of the Navy to prepare a detailed plan for modernizing maritime patrol squadrons and to submit the plan to the congressional defense committees with the fiscal years 1994/1995 budget request.

The House recedes.

The conferees note that the Navy is attempting to reorient its antisubmarine warfare (ASW) program from open-ocean ASW operations toward an improved capability for regional ASW operations. The conferees believe that maritime patrol aircraft will continue to have an important role in ASW and anti-surface warfare patrol operations. The conferees also believe that the Navy must place a high priority on modernization of the P-3 aircraft fleet and expect that this modernization will be reflected in the amended budget request for fiscal years 1994/1995.

The conferees agree that the Secretary of the Navy should submit the report requested by the Senate report. The conferees also believe that the DAB should review the alternatives for modernizing maritime patrol squadrons.

Semiconductor cooperative research program

The House bill contained a provision (sec. 218) that would authorize $100.0 million for the semiconductor cooperative research program (SEMATECH).

The Senate amendment contained no similar provision, but would authorize $100.0 million for SEMATECH in a separate funding line.

The House recedes. The conferees recommend an authorization of $100.0 million for SEMATECH in a separate funding line.

Flexible computer integrated manufacturing program

The House bill contained a provision (sec. 220) that would authorize $12.5 million to implement a rapid acquisition of manufactured parts program (RAMP) at the Philadelphia Naval Shipyard and $11.5 million for the RAMP test and integration facility program within the Naval Supply Systems Command.

The Senate amendment contained $11.5 million for the RAMP test and integration facility program in the Navy MANTECH funding line.

The House recedes.

The conferees agree to fund the RAMP program at the Philadelphia Naval Shipyard and the RAMP test and integration facility at the Naval Supply Systems Command under the Navy MANTECH program.

Charged particle beam

The House bill contained a provision (sec. 224) that would authorize $6.0 million for the charged particle beam program and would reduce the amount requested for the advanced launch systems program by $6.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Department of Defense to conduct the charged particle beam program under the DARPA tactical technology line.

Medical information demonstration program

The House bill contained a provision (sec. 225) that would authorize $15.0 million for a competitive grant to a medical college to provide research facilities with access to medical education and clinical research data.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recommend $15.0 million for a 50 percent cost-shared grant to be awarded through competitive procedures to a medical college to provide research facilities with the capability to access medical educational and research data through electronic networks. The conferees urge the Department of Defense to select an institution which has in place or is in the process of establishing computerized abstraction tools and a worldwide computer network linking public and private medical institutions. The conferees direct the Secretary of Defense to provide the grant in program element 602787A, Army medical technology.

Shipboard electronic warfare programs

The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to identify a separate program element in the budget request for fiscal years 1994/1995 for electronic warfare programs involving ship self-defense.

The House bill contained no similar provisions.

The Senate recedes.

The conferees believe that the electronic warfare programs which contribute directly to solving the ship self-defense problem should be managed by the single program manager for ship self-defense.

Funding for Technical Support Working Group on counter-terrorism

The Senate amendment contained a provision (sec. 232) that would authorize $10.0 million for the Technical Support Working Group (TSWG) on counter-terrorism. The provision would specify that $3.0 million of the $10.0 million would be available for cooperation with NATO and major non-NATO allies.

The House bill contained no similar provision, although it would authorize in a separate funding line $6.99 million for the TSWG—the amount included in the amended budget request.

The Senate recedes. The conferees recommend $9.99 million for the TSWG in a separate funding line. The $3.0 million addition to the requested amount would be available for cooperation with NATO and major non-NATO allies.

TITLE III—OPERATION AND MAINTENANCE

OVERVIEW

The House bill would authorize $77,816,268,000 for operation and maintenance for the Department of Defense and $16,600,000 for Working Capital Fund accounts in fiscal year 1993.

The Senate amendment would authorize $81,703,819,000 for operation and maintenance for the Department of Defense and $1,123,800 for Working Capital Fund accounts in fiscal year 1993.

The conferees recommend authorization of $80,805,502,000 for operation and maintenance for the Department of Defense and $1,145,000,000 for Working Capital Fund accounts in fiscal year 1993, as reflected in the following tables.

OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
(DOLLARS IN THOUSANDS)

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
O&M, ARMY	15,419,100	(1,837,694)	13,581,406	(1,225,885)	14,193,215	(1,517,188)	13,901,912
O&M, NAVY	20,728,600	(2,457,106)	18,271,494	(357,319)	20,371,281	(1,195,604)	19,532,996
O&M, MARINE CORPS	1,607,500	(50,200)	1,557,300	(153,985)	1,453,515	(48,985)	1,558,515
O&M, AIR FORCE	17,581,000	(2,143,866)	15,437,134	(704,523)	16,876,477	(988,143)	16,592,857
O&M, DEFENSE AGENCIES	9,033,000	530,094	9,563,094	(648,395)	8,384,605	233,879	9,266,879
O&M, INSPECTOR GENERAL	125,200	93,700	218,900	300	125,500	0	125,200
O&M, ARMY RESERVE	990,300	919	991,219	43,473	1,033,773	24,473	1,014,773
O&M, NAVY RESERVE	852,700	0	852,700	26,092	878,792	12,792	865,492
O&M, MARINE CORPS RESERVE	74,700	1,250	75,950	121	74,821	471	75,171
O&M, AIR FORCE RESERVE	1,215,723	(900)	1,214,823	(1,836)	1,213,887	(1,436)	1,214,287
O&M, ARMY NATIONAL GUARD	2,134,100	82,600	2,216,700	117,113	2,251,213	103,913	2,238,013
O&M, AIR NATIONAL GUARD	2,552,624	(700)	2,551,924	(40,149)	2,512,475	(39,449)	2,513,175
RIFLE PRACTICE, ARMY	2,700	0	2,700	0	2,700	0	2,700
COURT OF MILITARY APPEALS	5,900	0	5,900	(7)	5,893	(7)	5,893
ENVIRONMENTAL RESTORATION	901,200	0	901,200	612,000	1,513,200	612,000	1,513,200
HUMANITARIAN ASSISTANCE	13,000	0	13,000	12,000	25,000	12,000	25,000
DRUG INTERDICTION/COUNTER DRUG ACTV	1,263,400	0	1,263,400	0	1,263,400	0	1,263,400
WORLD UNIVERSITY GAMES	0	6,000	6,000	6,000	6,000	6,000	6,000
WORLD CUP GAMES	0	0	0	9,000	9,000	9,000	9,000
OLYMPIC GAMES	0	2,000	2,000	2,000	2,000	2,000	2,000
DEFENSE HEALTH PROGRAM	9,507,457	(418,033)	9,089,424	(385)	9,507,072	(348,418)	9,159,039
TOTAL OPERATION & MAINTENANCE	84,008,204	(6,191,936)	77,816,268	(2,304,385)	81,703,819	(3,122,702)	80,885,502

WORKING CAPITAL FUNDS

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
WORKING CAPITAL FUNDS							
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000
TOTAL WORKING CAPITAL FUNDS	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000

O&M, ARMY
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY	15,419,100		13,581,406		14,193,215		13,901,912
Reduced Inventory Purchases		(509,000)		(222,000)		(222,000)	
Foreign Nationals		(94,000)				(94,000)	
Civilian Pay Quarter Adjustment		(102,000)				0	
Wage Grade Pay Adjustment		(55,000)		(5,900)		(5,900)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(13,000)		(9,600)		(13,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(17,000)				(8,500)	
Classified Programs		(105,794)		(56,200)		(127,228)	
Recruiting, Advertising and Examining		(34,600)		(12,500)		(12,500)	
Classroom Training		(84,000)		(80,000)		(40,000)	
Burdensharing		(95,000)		(40,000)		(95,000)	
DBOF Technical Adjustments		(559,400)				(251,400)	
CFE Verification		(2,500)				0	
Pentagon Reservation Maintenance Fund		(31,900)		(10,000)		(31,900)	
Criminal Investigations Transfer		(28,500)				0	
Nursing Demonstration Program		2,000				2,000	
Foreign Currency Repricing				(53,600)		0	
Reduced Purchases By DBOF				(132,500)		(132,500)	
Return Excess Inventory Stocks				(743,000)		(743,000)	
Excess On-Order Purchases				(250,000)		(125,000)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communications				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				599,798		574,798	
Real Property Maintenance				(22,000)		0	
Travel				(29,896)		(29,896)	

Administrative Airlift		(800)	(800)
Printing		(3,002)	(3,002)
OSIA - Reduced FY 1993 Costs		(5,000)	(5,000)
Revised Inflation		(11,000)	(11,000)
Retire SIGINT Equipment		(35,500)	(35,500)
O&M Purchase Threshold		6,900	0
Civilian Personnel Benefits		9,800	14,800
JROTC		18,690	18,690
Service Academy Bands		(75)	0
Army Environmental Policy Institute		1,500	1,500
Madigan Army Medical Center			150
Transfer - National Defense Stockpile			(100,000)
TOTAL	(1,837,694)	(1,225,885)	(1,517,188)

O&M, NAVY
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY	20,728,600		18,271,494		20,371,281		19,532,996
Excess Inventories		(646,000)		(321,280)		(321,280)	
Foreign Nationals		(30,000)				(30,000)	
Civilian Pay Quarter Adjustment		(91,000)				0	
Wage Grade Pay Adjustment		(33,000)		(19,200)		(19,200)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(1,000)		(24,600)		(1,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Classified Programs		(25,406)		(25,700)		(25,435)	
Recruiting, Advertising and Examining		(13,000)		(4,700)		(4,700)	
Classroom Training		(71,000)		(62,000)		(31,000)	
Force Structure Support Excess		(253,000)				(50,000)	
Burdensharing		(3,000)				(3,000)	
Philippine Severance Pay		(52,000)		(52,000)		(52,000)	
DBOF Technical Adjustments		(1,045,500)				(782,500)	
Pentagon Reservation Maintanance Fund		(22,000)		(3,900)		(22,000)	
Criminal Investigations Transfer		(54,200)				0	
Guantanamo Base Operations		2,000				2,000	
Foreign Currency Repricing				(4,300)		0	
Reduced Purchases by DBOF				(166,800)		(166,800)	
Return Excess Inventory Stock				(31,500)		(31,500)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communication				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				551,256		510,256	

Real Property Maintenance		(54,000)	0
Travel		(12,405)	(12,405)
Administrative Airlift		(2,350)	(2,350)
Printing		(2,376)	(2,376)
OSIA - Reduced FY 1993 Costs		(7,300)	(7,300)
Revised Inflation		(13,000)	(13,000)
O&M Purchase Threshold		41,000	0
Naval Earth Orbit Activities		1,600	1,600
Civilian Personnel Benefits		4,800	7,400
SOSUS		(15,000)	0
JROTC		6,486	6,486
Service Academy Bands		(50)	0
Transfer - National Defense Stockpile			(100,000)
USS Sanctuary			2,000
TOTAL	(2,457,106)	(357,319)	(1,195,604)

O&M, MARINE CORPS
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS	1,607,500		1,557,300	1,453,515		1,558,515
Excess Inventories		(44,000)		(21,960)	(21,960)	
Recruiting, Advertising and Examining		(6,200)		(2,600)	0	
Foreign Currency Repricing				(100)	0	
Reduced Purchases by DBOF				(15,300)	(15,300)	
Return Excess Inventory Stock				(19,500)	(19,500)	
Excess DBOF Cash				(100,000)	0	
Training and Education				(6,000)	(3,000)	
Wage Grade Pay Raise				(1,200)	(1,200)	
Travel				(3,593)	(3,593)	
Printing				(620)	(620)	
Revised Inflation				(2,000)	(2,000)	
MP Training				460	460	
O&M Purchase Threshold				1,000	0	
Civilian Personnel Benefits				600	900	
MC Enhancements				14,600	14,600	
JROTC				2,228	2,228	
TOTAL		(50,200)		(153,985)	(48,985)	

O&M, AIR FORCE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE	17,581,000		15,459,634		16,876,477		16,592,857
Excess Inventories		(634,000)		(271,140)		(271,140)	
Foreign Nationals		(23,000)				(23,000)	
Civilian Pay Quarter Adjustment		(78,000)				0	
Wage Grade Pay Adjustment		(39,000)		(11,600)		(11,600)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(16,000)		(9,000)		(16,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(5,000)		(1,800)		(1,800)	
Classroom Training		(46,000)		(44,000)		(22,000)	
Real Property Maintenance		(232,000)		(90,000)		0	
Burdensharing		(2,000)				(2,000)	
DBOF Technical Adjustments		(598,100)				(275,100)	
Depot Level Reparables & Reliability Centered Maintenance		(100,000)				(50,000)	
Pentagon Reservation Maintenance Fund		(24,200)		(7,100)		(24,200)	
Classified Programs		(93,466)		(16,900)		(33,100)	
Criminal Investigations Transfer		(41,000)				0	
Civil Air Patrol		400		1,331		1,331	
Junior ROTC		25,000		4,022		4,022	
Computer-aided Acq. & Logistics System		13,000				13,000	
Foreign Currency Repricing				(25,500)		0	
Reduced Purchases By DBOF				(140,200)		(140,200)	
Return Excess Inventory Stock				(224,000)		(224,000)	

Workload Carryover	(100,000)		(50,000)
Excess On-Order Purchases		(150,000)	(75,000)
Excess DBOF Cash		(100,000)	0
Command, Control, Communication		(40,000)	(13,000)
Real Property Maintenance (Transfer)		446,394	403,894
Travel		(16,008)	(16,008)
Administrative Airlift		(9,150)	(9,150)
Printing		(2,892)	(2,892)
OSIA - Reduced FY 1993 Costs		(6,800)	(6,800)
Revised Inflation		(16,000)	(16,000)
B52/B1 Depot Costs		(17,600)	0
O&M Purchase Threshold		36,000	0
Civilian Personnel Benefits		7,600	11,600
Service Academy Bands		(180)	0
Transfer - National Defense Stockpile			(100,000)
TOTAL	(2,121,366)	(704,523)	(988,143)

O&M, DEFENSE AGENCIES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, DEFENSE AGENCIES	9,033,000		9,561,594		8,384,605		9,266,879
Excess Inventories		(62,000)		(32,258)		(32,258)	
Foreign Nationals		(3,000)				(3,000)	
Civilian Pay Quarter Adjustment		(37,000)				0	
Wage Grade Pay Adjustment		(13,000)		(9,200)		(9,200)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(15,000)		(16,800)		(15,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				0	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(2,000)		(400)		(400)	
Classroom Training		(6,000)				0	
DBOF Technical Adjustments		(11,300)				(11,300)	
OSIA Chemical Weapons Verification		(14,300)		(14,300)		(14,300)	
Pentagon Reservation Maintenance Fund		(31,900)		(9,900)		(31,900)	
Defense Commissary Agency		(55,500)				(55,000)	
Classified Programs		(209,306)		(157,435)		(173,861)	
Defense Contract Audit Agency		8,700		8,700		8,700	
Defense Commissary Agency		1,107,200				0	
Physician Assistant Demonstration Program		1,000				1,000	
National Defense Stockpile Operating Expenses				(33,000)		0	
Office of Economic Adjustment				25,000		50,000	
Office of the Secretary of Defense				(3,400)		(3,400)	
Foreign Currency Repricing				(4,700)		0	
Reduced Purchases By DBOF				(22,600)		(22,600)	
Excess DBOF Cash				(100,000)		0	

Command, Control, Communication		(30,000)	(10,000)
Real Property Maintenance (Transfer)		168,362	168,362
Real Property Maintenance		(34,000)	0
Travel		(16,355)	(16,355)
Printing		(2,609)	(2,609)
Revised Inflation		(8,000)	(8,000)
Payments to School Districts		58,000	58,000
Legacy Res. Manage. Prog.		40,000	40,000
O&M Purchase Threshold		129,500	0
CINC Initiatives Fund		25,000	25,000
Transfer - National Defense Stockpile		(612,000)	(100,000)
Civilian Personnel Benefits		4,000	8,000
Civilian Community Corps Demo Program			30,000
National & Community Service Programs			30,000
Economic Adjustment Planning Pilot Project			2,000
Assistance Through EDA			80,000
Training and Employment Services			75,000
Troops to Teachers Program			65,000
Environmental Remediation Tng Scholarships			10,000
College Grants - Env. Restoration Tng			10,000
Upward Bound Projects			5,000
Job Bank Program			4,000
Serv. Mmbrs Occupational Conversion & Tng			75,000
Procurement Technical Assistance Centers			12,000
TOTAL	528,594	(648,395)	233,879

O&M, INSPECTOR GENERAL
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, INSPECTOR GENERAL	125,200		218,900		125,500		125,200
Criminal Investigations Transfer		93,700				0	
O&M Purchase Threshold				300		0	
TOTAL		93,700		300		0	

O&M, ARMY RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY RESERVE	990,300		991,219		1,033,773		1,014,773
Recruiting, Advertising & Examining		(5,300)		(1,900)		(1,900)	
Classified Programs		(1,781)				0	
End Strength Adjustment		8,000		46,000		27,000	
Reduced Purchases By DBOF				(7,000)		(7,000)	
Reduce Purchases From DBOF				(10,140)		(10,140)	
Real Property Maintenance (Transfer)				23,200		23,200	
Wage Grade Pay Raise				(600)		(600)	
Travel				(4,367)		(4,367)	
Printing				(720)		(720)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		919		43,473		24,473	

O&M, NAVY RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY RESERVE	852,700		852,700		878,792		865,492
Recruiting, Advertising and Examining		(2,000)		(800)		(800)	
Craft of Opportunity Program		2,000				3,200	
Reduced Purchases By DBOF				(11,200)		(11,200)	
Reduce Purchases From DBOF				(16,027)		(16,027)	
Real Property Maintenance (Transfer)				27,872		27,872	
End Strength Adjustment				33,000		16,500	
Travel				(1,024)		(1,024)	
Administrative Airlift				(4,576)		(4,576)	
Printing				(153)		(153)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		0		26,092		12,792	

O&M, MARINE CORPS RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS RESERVE	74,700		75,950		74,821		75,171
Recruiting, Advertising and Examining		(1,000)		(100)		0	
End Strength Adjustment		2,250		2,000		2,250	
Reduced Purchases By DBOF				(600)		(600)	
Reduce Purchases From DBOF				(800)		(800)	
Travel				(322)		(322)	
Printing				(57)		(57)	
TOTAL		1,250		121		471	

O&M, AIR FORCE RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE RESERVE	1,215,723		1,214,823		1,213,887		1,214,287
Recruiting, Advertising and Examining		(900)		(300)		(300)	
Reduced Purchases By DBOF				(12,000)		(12,000)	
Reduce Purchases From DBOF				(17,015)		(17,015)	
Real Property Maintenance (Transfer)				28,500		28,500	
End Strength Adjustment				1,000		1,000	
Wage Grade Pay Raise				(1,900)		(1,900)	
Travel				(721)		(721)	
Printing				(100)		(100)	
Civilian Personnel Benefits				700		1,100	
TOTAL		(900)		(1,836)		(1,436)	

O&M, ARMY NATIONAL GUARD
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY NATIONAL GUARD	2,134,100		2,218,200		2,251,213		2,238,013
Recruiting, Advertising and Examining		(4,400)		(1,600)		(1,600)	
End Strength Adjustment		87,000		97,000		92,000	
Reduced Purchases By DBOF				(23,500)		(23,500)	
Reduce Purchases From DBOF				(33,620)		(33,620)	
Real Property Maintenance (Transfer)				34,400		34,400	
Wage Grade Pay Raise				(3,600)		(3,600)	
Travel				(1,156)		(1,156)	
Administrative Airlift				(200)		(200)	
Printing				(711)		(711)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,100		1,700	
National Guard Youth Program				50,000		50,000	
National Guard Medical Pilot Program		1,500				5,000	
Classified Programs						(13,800)	
TOTAL		84,100		117,113		103,913	

O&M, AIR NATIONAL GUARD
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR NATIONAL GUARD	2,552,624		2,551,924		2,512,475		2,513,175
Recruiting, Advertising and Examining		(700)		(300)		(300)	
Reduced Purchases By DBOF				(30,000)		(30,000)	
Reduce Purchases From DBOF				(42,774)		(42,774)	
Real Property Maintenance (Transfer)				41,000		41,000	
End Strength Adjustment				(1,000)		(1,000)	
Wage Grade Pay Raise				(4,400)		(4,400)	
Travel				(1,562)		(1,562)	
Administrative Airlift				(1,227)		(1,227)	
Printing				(186)		(186)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,300		2,000	
TOTAL		(700)		(40,149)		(39,449)	

O&M, RIFLE PRACTICE, ARMY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, RIFLE PRACTICE, ARMY	2,700		2,700		2,700		2,700
TOTAL		0		0		0	

O&M, U.S. COURT OF MILITARY APPEALS
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, U.S. COURT OF MILITARY APPEALS	5,900		5,900		5,893		5,893
Travel				(7)		(7)	
TOTAL		0		(7)		(7)	

O&M, ENVIRONMENTAL RESTORATION, DEFENSE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ENVIRONMENTAL RESTORATION DEFENSE	901,200		901,200		1,513,200		1,513,200
Transfer - Nat. Defense Stockpile				612,000		612,000	
TOTAL		0		612,000		612,000	

O&M, HUMANITARIAN ASSISTANCE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, HUMANITARIAN ASSISTANCE	13,000		13,000		25,000		25,000
				12,000		12,000	
TOTAL		0		12,000		12,000	

O&M, DRUG INTERDICTION & COUNTER DRUG ACT, DEFENSE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DRUG INTERDICTION	1,263,400		1,263,400		1,263,400		1,263,400
Project 3415 Riverine Craft (Procurement)		(3,500)				0	
Project 6404 SOCOM Riverine Support (Proc.)		(1,485)				0	
Project 6415 Theater CINC Support		(1,000)				0	
Project 3000 Naval Reserve (Procurement)		(1,300)				0	
Project 9401 Office of Secretary of Defense		(1,000)				0	
Project 3303 Hydrofoil Patrol Boat		(2,000)				0	
Project 1403 Counter-Drug Research & Dev.		(10,715)				0	
Demand Reduction		(5,000)				0	
OPTEMPO		(10,000)				(20,000)	
Classified Programs		(89,300)				(89,300)	
Project 9499 Support to Law Enforcement		30,000		30,000		30,000	
Project 4499 Civil Air Patrol		1,000		1,000		1,000	
Counter-Drug Surveillance Plan		5,000				5,000	
Consolidated Surveillance Account		89,300				89,300	
Undistributed Reduction						(41,000)	
Demand Reduction Military Departments				15,000		15,000	
Demand Reduction National Guard				10,000		10,000	
Undistributed Operating Tempo				(56,000)		0	
TOTAL		0		0		0	

O&M, WORLD UNIVERSITY GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, WORLD UNIVERSITY GAMES	0		6,000		6,000		6,000
Increase		6,000		6,000		6,000	
TOTAL		6,000		6,000		6,000	

O&M, WORLD CUP GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, WORLD CUP GAMES	0		0		9,000		9,000
Increase		0		9,000		9,000	
TOTAL		0		9,000		9,000	

O&M, OLYMPIC GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, OLYMPIC GAMES	0		2,000		2,000		2,000
Increase		2,000		2,000		2,000	
TOTAL		2,000		2,000		2,000	

O&M, DEFENSE HEALTH PROGRAM
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, DEFENSE HEALTH PROGRAM	9,507,457		9,089,424		9,507,072		9,159,039
Excess Inventories		(105,000)				0	
Shift to Research & Development		(313,033)				(313,033)	
Reduced Purchases By DBOF				(38,300)		(38,300)	
Reduce Purchases From DBOF				(54,640)		(54,640)	
Training and Education				(8,000)		(8,000)	
Wage Grade Pay Raise				(1,400)		(1,400)	
Travel				(5,209)		(5,209)	
Printing				(836)		(836)	
Revised Inflation				(17,000)		(17,000)	
CHAMPUS				49,000		14,000	
Transition Benefits				76,000		76,000	
TOTAL		(418,033)		(385)		(348,418)	

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O&M, WORKING CAPITAL FUNDS
($ IN THOUSANDS)

		HOUSE BILL				SENATE BILL				CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION			CHANGE FROM REQUEST	AUTHORIZATION			CHANGE FROM REQUEST	AUTHORIZATION
O&M, WORKING CAPITAL FUNDS											
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600			0	1,123,800			21,200	1,145,000
TOTAL	1,123,800	(1,107,200)	16,600	0	0	0	1,123,800	0		21,200	1,145,000

ITEMS OF SPECIAL INTEREST

Defense business operations fund technical adjustments

The conferees agree to the technical adjustments contained in the House bill and discussed in the House report (102-527) for the Defense Business Operations Fund (DBOF) capital program and for DBOF overcharges, including depreciation of military construction projects.

Automatic data processing

The conferees continue to support the basic goals of the DOD corporate information management (CIM) initiative. However, the military departments still have not coordinated all of their automatic data processing (ADP) efforts with each other or under the CIM initiative, and they continue to develop their own systems under the guise of "service-uniqueness". To encourage the military departments to coordinate all of their system development efforts with each other and with the CIM program, the conferees recommend reductions of $25.0 million to the ADP requests for the Army, Navy, and Air Force.

Marine Corps intelligence training

In an attempt to help remedy Marine Corps intelligence shortfalls highlighted during Operation Desert Shield/Desert Storm, the conferees direct that $2.0 million of Marine Corps operation and maintenance funds available in fiscal year 1993 be set aside for intelligence training.

Air Force depot maintenance workload carryover

The conferees agree to a reduction of $50.0 million in the Air Force operation and maintenance account because of the significant growth in excess depot maintenance workload carried over from one fiscal year to the next. While making this reduction due to excess workload carryover, the conferees continue to support a level of depot maintenance funding necessary to ensure a steady flow of work through the industrial activities of the military Services.

Office of Economic Adjustment

The conferees agree to authorize an increase of $50.0 million above the requested amount for the Office of Economic Adjustment (OEA). This increase is necessary to support the expanded scope of OEA assistance programs authorized in title XLIII of this act.

Defense Commissary Agency

The conferees agree to a $55.0 million reduction to the amount requested for the Defense Commissary Agency (DeCA). This reduction is possible due to reduced inventories and increased cash levels in the commissary system. Funds to offset this reduction should be transferred to the DeCA from the Defense Business Operations Fund (DBOF).

The conferees are concerned about the systemic bill paying problems being encountered by the Defense Commissary Agency since its creation on October 1, 1991. By the end of February 1992, DeCA had approximately 187,000 overdue invoices unpaid, totalling between $350-$400 million. Corrective action, initiated in response to Congressional attention, has resulted in more timely payment of current invoices. However, at the end of August 1992, DeCA still had an unacceptable level of overdue invoices.

The conferees expect DeCA to fully comply with the letter and intent of the Prompt Payment Act. DeCA should review its current compliance program and procedures to ensure that staff are adequately trained and understand the requirements of the Act. In addition, DeCA should review its procedures to ensure that it has not imposed practices that frustrate compliance with the law.

Specifically, the conferees note that DeCA has imposed restrictions on the submission of invoices by its vendors for the purpose of reducing the number of invoices to be processed. Certain vendors have been directed to submit twice-monthly roll-ups for product delivered. Since the time available to the government to make a timely payment is triggered by receipt of the invoice (or acceptance of the product or service, whichever is later), agency action to delay submission of a vendor's invoice for work performed can circumvent the statutory payment protections afforded by the Prompt Payment Act. Under the Act, a vendor may submit an invoice any time after performance. Within 60 days after enactment of this act, the conferees direct DeCA to provide to the Committees on Armed Services of the Senate and the House of Representatives a plan to revise its policies regarding roll-ups to conform to industry practices, assuring that vendors covered by the 7-day or 10-day payment terms specified in the Act are permitted to submit invoices on the schedule employed by the vendor in the private sector.

Arms control compliance

The amended budget request contained $505.2 million for Department of Defense funding for arms control-related programs.

The House bill would authorize $482.8 million.

The Senate amendment would authorize $465.6 million.

Based on thorough consultation with officials from the Office of the Secretary of Defense, the military Services, and the On-Site Inspection Agency (OSIA), the conferees recommend several funding adjustments to the budget request for activities related to arms control. The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Talks (START), as well as changes in inspection requirements for ongoing and anticipated activities related to the Intermediate-range Nuclear Forces (INF) Treaty, the Conventional Forces in Europe (CFE) Treaty, the Bilateral Chemical Weapons Agreement, and the Open Skies (OS) Treaty.

The adjustments result in reductions to the amended budget request of $.6 million in procurement, $5.6 million in military construction, and $33.4 million in operation and maintenance accounts. The recommended adjustments result in an overall savings of $39.6 million in DOD funding for arms control-related programs, which are listed in the table below and reflected in the appropriate account tables.

FY 1993 DoD Arms Control Budget
(Dollars in Millions)

Account	Program	Request	Change	Recommendation
WPN	Trident II Msl	10.8		10.8
OPN	VLS	3.9		3.9
MPAF	MMII/MMIII Mods	21.3		21.3
OPAF	Spares & Repairs	0.2		0.2
AP,AF	C-135	51.6		51.6
OPA	Arms Control Compliance	3.5		3.5
PDA	OSIA	7.2	-0.6	6.6
RDT&E, AF	Arms Control Implementation	4.5		4.5
RDT&E,DA	Ver Tech Dem, DNA(603711)	67.1		67.1
O&M, Army		50.5	-5.0	45.5
O&M, Navy		58.5	-7.3	51.2
O&M, Air Force		66.0	-6.8	59.2
O&M, DA	OSIA	153.5	-14.3	139.2
O&M, DA	DNA	1.0		1.0
MILCON, DA	OSIA	5.6	-5.6	0.0
Total		505.2	-39.6	465.6

Drug interdiction and counter-drug activities

To fund congressional priorities, including the detection and monitoring systems evaluation and plan and the expanded demand reduction pilot program, the conferees recommend the following changes to the amounts requested for drug interdiction and counter-drug activities.

Although the conferees have decided to grant considerable discretion to the Department in taking reductions in individual programs, the conferees direct that no reductions be taken in project 1403. The conferees believe that the various activities funded under this project offer the best chance for a significant breakthrough with great impact on the national counter-drug effort. In this connection, the conferees direct the Department to evaluate chemical detector devices consisting of an infrared detector coupled with a high-speed signal processor and, if test results warrant, to use funds from Research and Development, Drug Interdiction accounts to evaluate and fully develop this device.

Drug interdiction and counter-drug activities, operation and maintenance

[In thousands of dollars]

Fiscal year 1993 drug interdiction and counter-drug activities, O&M request	$1,263,400
Reductions:	
Undistributed operating tempo	($20,000)
Undistributed general reduction	($41,000)
Classified programs	($89,300)
Total reductions	($150,300)
Increases:	
Project 9499 support to law enforcement	$30,000
Project 4499 Civil Air Patrol	$1,000
Counter-drug detection and monitoring systems plan	$5,000
Consolidated detection and monitoring systems	$89,300
Demand reduction, military departments	$15,000
Demand reduction, National Guard	$10,000
Total increases	$150,300
Recommendation	$1,263,400

Television operating scoring system

Since 1985, the Air Force has invested millions of dollars in engineering capabilities to build the world's only integrated electronic range at Nellis Air Force Base. The television operated scoring system (TOSS) program is a critical component to testing and evaluating the performance of combat aircrews at the Nellis Range, contributing to the success of U.S. air power in the Persian Gulf conflict. The conferees believe that the Air Force should continue to support this program at a level that results in the maintenance of current capability through fiscal years 1993 and 1994.

C-141 secondary exhaust nozzle procurement

The conferees are aware of the program to design and develop a new C-141 secondary exhaust nozzle that could reduce maintenance costs and contribute to extending the life of the aircraft. The conferees are disturbed that the Air Force has not announced a decision on whether to proceed with new nozzle production. Therefore, the conferees direct the Secretary of the Air Force to submit his recommendation on the secondary nozzle procurement program, including the relevant cost analysis supporting the recommendation, to the congressional defense committees by February 1, 1993.

Airlift support for the United States Antarctic program

The conferees understand that when the two previously authorized and appropriated LC-130 aircraft are delivered to the Air National Guard, two of their older model LC-130 aircraft are scheduled to be transferred to the Navy. If this proposed transfer takes place, as much as $20 million could be required to re-configure these aircraft to Navy operational standards. At the present time, both the Air National Guard and the Navy operate these ski-equipped aircraft to provide logistical support to the United States Antarctic program.

The conferees direct that no LC-130 aircraft be transferred from the Air National Guard to the Navy until the Secretary of Defense conducts a complete review of the current allocation of heavy airlift resources to support the United States Antarctic program. This review shall include future equipment needs; a cost analysis of transferring LC-130 aircraft from the Air National Guard to the Navy; whether any reorganization of this mission could improve the efficiency of operations; and whether the Air National Guard could assume a greater role in providing this support. The results of this review should be provided to the congressional defense committees by March 1, 1993.

Intelligence and threat analysis center

The House bill would deny authorization for the Army's Intelligence and Threat Analysis Center (ITAC) and would implicitly reallocate ITAC personnel billets. The House position is that the creation of joint intelligence centers, increased capabilities at the Defense Intelligence Agency, and the restructuring and reinforcing of intelligence brigades, call into question the need to maintain ITAC.

The Senate amendment did not deny authorization for ITAC.

The House recedes.

In addressing this issue, the conferees reviewed the missions of ITAC. The conferees conclude from this review that some of these missions are appropriate for a Service-level intelligence production organization, while others may not be appropriate. Some of these missions have also been assigned to other organizations or are being performed by more than one organization.

The conferees agree that the issues of duplication of effort and mission, and of separate overhead costs, raised in connection with ITAC by the House are applicable across the general military intelligence production units within the Department of Defense. These issues should be addressed in a larger review of the roles and missions of defense intelligence and departmental general military intelligence production units, all of which are located in the Washington, D.C. metropolitan area. The conferees also agree that in light of continued severe budget constraints and personnel reductions, more needs to be done to optimize the dwindling resources of our intelligence production units. The conferees direct the Chairman of the Joint Chiefs of Staff to examine these issues as part of his comprehensive roles and missions review and make recommendations to the Secretary of Defense.

Army backlog of facility maintenance and repair

The conferees are concerned that the Army has funded real property maintenance activity at U.S. bases at less than 75 percent of the annual requirements. This low level of funding means that necessary work to maintain the $200 billion of Army infrastructure cannot be accomplished. These shortfalls caused the backlog of maintenance and repair to continue to rise alarmingly.

Even an installation the size of Fort Gillem, Georgia, with a real property value of about $650 million, has a carryover backlog of approximately $18 million—with no ability to apply annual funding toward the reduction of these requirements.

The conferees believe that the Army must place more attention on the condition of its facilities and establish a realistic real property maintenance funding level, as well as allow a reasonable level of additional funding to reduce the size of the current backlog. Even at today's low inflation rates, an installation must spend at least seven percent of the value of its backlog requirements to stay even with deterioration and inflation—and this is in addition to full funding for validated annual requirements.

The conferees want to emphasize that real property maintenance is not simply a matter confined in infrastructure. Continued deterioration of facilities risks creating the same kind of quality of life and morale problems that plagued the Army in the late 1970s. Trying to convince the highest quality personnel that the Army has ever had that they are part of a first rate organization is going to become increasingly difficult if their living and working conditions are second or third rate.

Therefore, the conferees direct the Army to prepare a special report to be submitted with the fiscal years 1994/1995 budget request which specifically addresses the amount of funding proposed for U.S. installations towards the utilities, maintenance and repair, minor construction, and other engineering support accounts, and the percentage of annual requirements for each account provided by the proposed funding level.

In addition, the conferees direct the Army to allocate seven percent of Fort Gillem's backlog of maintenance and repair funds for real property maintenance in an effort to improve the serious neglect of facilities at that installation.

Hospital ship for humanitarian relief

The conferees agree to authorize $2.0 million for a ship check of the ex-*U.S.S. Sanctuary*, a former hospital ship, for the purpose of determining the feasibility and cost of restoring the ship for use on humanitarian relief missions. The ship is currently in the custody of a private, nonprofit organization. The conferees direct the Secretary of the Navy to use these funds to prepare a budget quality estimate of the cost to restore the ship to a status adequate to support humanitarian relief operations and, in a emergency, U.S. military operations. The Secretary of the Navy should submit this estimate to the congressional defense committees not later than March 1, 1993.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Humanitarian assistance (sec. 304)

The House Bill contained a provision (sec. 304) that would extend the authority contained in prior authorization acts for the transportation of humanitarian assistance to Afghanistan and Cambodia, and for other humanitarian purposes worldwide, and would

authorize $13.0 million for this purpose in fiscal year 1993.

The Senate amendment contained a similar provision (sec. 304) that would authorize $25.0 million for this purpose in fiscal year 1993. The increase in funding was to meet the increased demands for transportation of humanitarian relief, especially in eastern Europe and Africa.

The House recedes with an amendment that would expand the reporting requirements for excess non-lethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

The conferees note that the report regarding humanitarian assistance for countries not specifically authorized by law shall be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in addition to the Committee on Armed Services of the Senate and House of Representatives.

The House conferees wish to express their strong concern over the expansion of the humanitarian assistance program and wish to state that the program will be the subject of joint hearings by the Committees on Foreign Affairs and Armed Services of the House of Representatives. In this regard, the House conferees also express concern that the humanitarian assistance program would be exempted from restrictions contained in the section of this act concerning excess defense articles. The excess defense article program would prohibit all construction and emergency equipment from being transferred to foreign countries. The House Committee's joint hearings will examine the exemption for the humanitarian assistance program.

Support for the 1994 World Cup Games (sec. 305)

The Senate amendment contained a provision (sec. 305) that would authorize DOD to provide logistical support and personnel services to the 1994 World Cup Games to be held in nine American cities during the summer of 1994.

The House bill contained no similar provision.

The House recedes.

Transfer authority (sec. 306)

The Senate amendment contained a provision (sec. 306) that would authorize the Secretary of Defense, to the extent provided in appropriations acts, to transfer funds from two sources into the O&M accounts during fiscal year 1993. This section would authorize the transfer of $3,054.0 million from the Defense Business Operations Fund to the O&M accounts to the extent that the military department concerned has received credit from the Defense Business Operations Fund for unneeded secondary items returned to the Fund for credit by the military department. Transfers under this authority may also be made if the Secretary of Defense certifies to the congressional defense committees that the military department concerned has, to the extent practicable, returned to the Defense Business Operations Fund all unneeded secondary items under the control of the military department. This section would also authorize the transfer of $612.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance, defense agencies account.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the transfer of $400.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance accounts of the Army, Navy, Air Force, and defense agencies fiscal year 1993.

SUBTITLE B—LIMITATIONS

Prohibition of the use of certain funds for Pentagon Reservation (sec. 311)

The House bill contained a provision (sec. 312) that would prohibit the use of contributions to the Pentagon Reservation maintenance funds for any purpose other than the day-to-day operation of these facilities. It would also require a report by the Secretary of Defense no later than December 31, 1992, the Secretary of Defense no later than December 31, 1992, regarding the proposed renovation of the Pentagon.

The Senate amendment contained no similar provision. However, the Senate report (S. Rept. 102-352) addressed the renovation of the Pentagon within the context of the Defense Department's presence in the National Capital Region. It was the Senate Armed Services Committee's view that the Department should reassess the need of each activity which is currently within the region to remain there, along with a strategy to meet each activity's long-term facility needs. This effort should be undertaken as part of the Department's 1993 base closure and realignment review.

While the Committee supported the renovation of the Pentagon complex, it questioned whether the current scope of the project could be justified in light of the reduced size of the Defense Department. It also recognized that the first phase of this effort, the replacement of the central heating and cooling plant which was authorized at $80.1 million in fiscal year 1992, has been delayed until fiscal year 1993 because of the fiscal year 1992 rescission act. The Senate's proposed authorization level for the Pentagon Reservation maintenance fund was adjusted to provide funding for this project, which is badly needed regardless of the size or pace of the renovation of the Pentagon itself.

The Senate report directed the Secretary of Defense to provide the congressional defense committees with a report regarding the Department's long-term plans for the National Capital Region, as well as a revalidation of its plans to renovate the Pentagon facility, no later than April 15, 1993.

The Senate recedes with an amendment that would modify the prohibition of renovation funds to permit the replacement of the Pentagon's central heating and cooling plant during fiscal year 1993; broaden the scope of the required report to include all Defense Department activities within the National Capital Region; and adjust the reporting date to follow the Defense Secretary's submission of recommendations to the Defense Commission on Base Closures and Realignments.

Prohibition on the use of funds for certain service contracts (sec. 312)

The House bill contained a provision (sec. 313) that would prohibit the Department of Defense from entering into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under OMB Circular A-76. This prohibition would not apply to a contract, or the renewal of a contract, for the performance of an activity under contract on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this prohibition to fiscal year 1993.

SUBTITLE C—ENVIRONMENTAL PROVISIONS

Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities (sec. 321)

The House bill contained a provision (sec. 321) that would extend the reimbursement requirement of 28 U.S.C. 2708(b)(1) through fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of prohibition on use of environmental restoration funds for payment of fines and penalties (sec. 322)

The Senate amendment contained a provision (sec. 318) that would prohibit the use of funds appropriated for fiscal year 1993 for the environmental restoration account in the Department of Defense from being used to pay fines or penalties except to the extent that the fine or penalty imposed arises out of activities funded by the account.

The House bill contained a similar provision (sec. 322).

The Senate recedes.

Pilot program for expedited environmental response actions (sec. 323)

The House bill contained a provision (sec. 323) that would establish a pilot program to expedite the performance of on-site environmental response actions at military installations closing under the base closure process and at other military installations pursuant to the defense environmental restoration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two bases to be identified for closure by the Base Realignment and Closure Commission during fiscal year 1993 and reduce the number of open bases participating in the program from five to four per military Service.

The amendment would broaden the program to include all Department of Defense environmental restoration activities as potential program participants.

The amendment would also clarify that the other environmental restoration activities of the Department of Defense should not be delayed by the program. The conferees believe that the goal of the program should be to identify ways to expedite or reduce the costs of environmental restoration. Once identified, any new concepts, technologies, or initiatives could then be incorporated into other programs. The conferees do not intend that the implementation of any pilot program should delay in any way the other environmental restoration programs at closing bases, open bases, or formerly used defense sites.

Overseas environmental restoration (sec. 324)

The House bill contained a provision (sec. 324) that would express the sense of Congress that the cost of environmental restoration at overseas military bases should be borne by the host nation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that there be an equitable division, with the host country, of the environmental restoration costs.

Evaluation of use of ozone depleting substances by the Department of Defense (sec. 325)

The Senate amendment contained a provision (sec. 311) that would direct the Defense Logistics Agency (DLA) to identify and evaluate the use of class I ozone depleting substances by the military Services and to

plan for future uses. The provision would also require an evaluation and report on the anticipated future usage of class II ozone depleting substances.

The House bill contained no similar provision.

The House recedes.

This evaluation is necessary to plan adequately for the 1995 phaseout of production of class I ozone-depleting substances and to plan for the use of these substances in certain mission critical instances into the 21st century. The conferees believe that the Department of Defense Chlorofluorocarbons Advisory Committee can continue to provide valuable assistance to DOD during this period of transition, and are pleased that the Committee's charter has been extended. The conferees urge the Department to utilize the Committee's talents to the maximum extent practicable.

Elimination of use of class I ozone-depleting substances in certain military procurement (sec. 326)

The Senate amendment contained a provision (sec. 312) that would prohibit the Department of Defense from entering into any new contracts, or modifying, extending, or amending existing contracts after June 1, 1993 that would require the use of class I ozone-depleting substances—chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform—unless the use of these substances is specifically justified by the senior acquisition official. This provision would also encourage DOD contractors to identify suitable non-ozone-depleting substitutes for class I substances, and, where deemed appropriate, recover reasonable costs, if any, associated with identification of acceptable substitute materials or processes.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that the Department must move quickly to review its uses and requirements for class I ozone-depleting substances. The provision would prohibit the Department from entering into any new contracts after June 1, 1993, that require the use of any class I ozone-depleting substance.

The provision would also require DOD to review existing contracts, as part of the routine process of contract modification, extension, and amendment, to determine if there are any contractual requirements to use class I ozone-depleting substances. If the contract contains such a requirement, the senior acquisition official or designee must determine if there is a suitable substitute for the requirement that avoids the use of class I ozone-depleting substances. If such substitute exists, the contract must be further modified to include the alternative.

This review must be conducted within 60 days after any contract is modified, extended, or amended. The requirement to review applies to all contracts entered into before June 1993 that have a contract value in excess of $10 million, and that have at least one year remaining in the term of the contract following the modification, extension, or amendment that triggered the review.

The amendment would provide that any adjustment in the price of the contract as a result of this section would be made pursuant to the federal acquisition regulations.

In addition, the amendment would direct the Secretary to provide reports on this effort to Congress. Quarterly reports would be required for four years, followed by two annual reports beginning with fiscal year 1996.

Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense (sec. 327)

The Senate amendment contained a provision (sec. 321) that would prohibit the use of appropriated funds during fiscal year 1993 to obtain surety or performance bonds to guarantee the direct performance of the United States to fulfill a legal requirement.

The House bill contained no similar provision.

The House recedes.

Legacy resource management fellowship program (sec. 328)

The Senate amendment contained a provision (sec. 322) that would establish a fellowship program. The program would bring into the Department of Defense up to three fellows to receive training in natural resources management and stewardship and to participate in program implementation.

The House bill contained no similar provision.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 329)

The Senate amendment contained a provision (sec. 323) that would authorize the supplemental appropriations requested by DOD for fiscal year 1992 for environmental restoration, defense programs and for the base realignment and closure account, II. If these funds are not appropriated during fiscal year 1992, this authorization may be applied to fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

At the time the Department of Defense submitted its budget request for fiscal year 1992, the base closure process had not identified the military installations to be closed that year. As a result, the Defense Department, unable to submit a detailed request for the base closure account based upon specific needs of the closing bases and the receiving bases, submitted an estimated request of $100 million. Funding for cleanup of all bases, except those previously identified for closure in 1990, was included in the request for the defense environmental restoration account (DERA).

During the Senate Armed Services Committee (SASC) mark-up of the defense authorization bill for fiscal years 1992 and 1993, the Committee shifted $69 million, the funding requested for those bases that had been identified for closure following submission of the budget request, from the DERA to the base closure account. In addition, the SASC increased funding to expedite the cleanup at these closing bases. Following the lead of the SASC, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) included the following amount of the funding needed to cleanup the bases identified for closure in 1992. In addition, the Act provided that the base closure account was the exclusive source of funding for those bases identified for closure during 1992. This limitation was identical to that which was in effect for the base closure account established for those bases identified for closure in 1990.

Unfortunately, the Department of Defense Appropriations Act for Fiscal Year 1992 contained only the originally requested $100 million. As a result, DOD did not have adequate funds in the base closure account in fiscal year 1992 to carry out the environmental restoration program at the newly closing bases. Thus, it became necessary for DOD to submit a request for supplemental appropriations to ensure adequate funding for the environmental restoration programs at the newly closing bases. This request was submitted in January 1992 at the time that the amended DOD budget request for fiscal year 1993 was submitted. The supplemental appropriation was enacted into law on September 23, 1992. Delay in approval of the supplemental request has seriously delayed the environmental restoration program at the bases identified for closure in 1992.

Indemnification of transferees of closing defense property (sec. 330)

The Senate amendment contained a provision (sec. 317) that would require the Secretary of Defense to hold harmless, defend, and indemnify transferees of closing military facilities, from all suits, claims, demands, judgments, costs, or other fees arising out of the release or threatened release of any hazardous substance, pollutant, or contaminant as a result of DOD activities at the closing military installation. This indemnification provision would not apply where the transferee caused or contributed to the release or threatened release. The provision would require that the Secretary of Defense be notified of the claim for indemnification within two years after such claim accrues. This would establish a statute of limitations for handling any such claim. The provision would also require that the person seeking indemnification cooperate fully with the Department of Defense in handling the claim.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that the indemnification provided pursuant to this section does not conflict with or modify section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601-9657). In addition, the amendment would clarify when a claim accrues.

Extension of authority to issue surety bonds for certain environmental programs (sec. 331)

The Senate amendment contained a provision (sec. 320) that would extend existing law through December 31, 1995 to ensure that the liability of surety and performance bond providers, who provide performance bonds for environmental restoration work, does not extend beyond the scope of the bond.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Risk sharing in environmental restoration contracts of the Department of Defense (sec. 332)

The Senate amendment contained a provision (sec. 313) that would direct the Department of Defense to issue regulations to ensure, where appropriate, that contracts entered into by the Secretary of Defense for environmental restoration activities at current and former military installations provide for risk sharing. The provision would also provide independent authority to the Secretary of Defense to indemnify fully DOD environmental response action contractors from all liability founded upon federal, state, or local law and arising out of work performed pursuant to the defense environmental restoration program (DERP). The provision would preclude the Secretary from providing indemnification for liability arising from the contractor's gross, willful, and intentional negligence. In addition, the provision would provide that in providing indemnification, the Secretary shall include deductibles and shall place limits on the amount of indemnification.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense, in consultation with the Attorney General, Administrator of the Environmental Protection Agency (EPA), and the Director of the Office of Management and Budget (OMB), to review and report on indemnification issues in lieu of issuing regulations.

SUBTITLE D—DEFENSE BUSINESS OPERATIONS FUND

Limitations on the use of the Defense Business Operations Fund (sec. 341)

The House bill contained a provision (sec. 331) that would extend the limitation on the period of management by the Department of Defense of the Defense Business Operations Fund (DBOF) until April 15, 1994 and would add a requirement for separate accounting, reporting, and auditing of funds and activities. The provision would further establish milestones that the Department must achieve for the implementation of the fund and that are to be monitored and evaluated by the Comptroller General.

The Senate amendment contained a provision (Sec. 351) that would extend the limitation on the period of management by the Department of Defense of the DBOF until April 15, 1994.

The Senate recedes with an amendment.

Capital asset subaccount (sec. 342)

The House bill contained a provision (sec. 332) that would limit the use of the capital asset subaccount within the Defense Business Operations Fund and would also require a report by the Secretary of Defense on this account.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Limitations on obligations against Defense Business Operations Fund (sec. 343)

The Senate amendment contained a provision (sec. 352) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund during fiscal year 1993, except for obligations for fuel, subsistence and commissary items, retail operations, repair of equipment, and the cost of operations, in excess of 65 percent of the sales from the Defense Business Operations Fund during the fiscal year. This provision would allow the Secretary of Defense to waive this 65 percent limitation cap if he determines that such action is essential to the national security of the United States.

The House bill contained no similar provision.

The House recedes.

SUBTITLE E—DEPOT-LEVEL ACTIVITIES

Competitive bidding for tactical missile maintenance (sec. 351)

The House bill contained a provision (sec. 341) that would require the Secretary of Defense to use competitive procedures if the Secretary decides to consolidate tactical missile maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the Systems Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendation of the Base Closure and Realignment Commission dated July 1, 1991.

Limitations on the performance of depot-level maintenance of material (sec. 352)

The House bill contained a provision (sec. 342) that would establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. The provision would also extend the limitations on the performance of depot-level maintenance by the Army and Air Force in section 2466 of title 10, United States Code, to the Navy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to include the Navy under the limitations on the performance of depot-level maintenance in section 2466 of title 10, United States Code. The conferees do not agree to establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. However, the conferees agree that the Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than 50 percent in fiscal year 1993, 55 percent in fiscal year 1994 and 60 percent in fiscal year 1995 of Army aviation depot-level maintenance. The Secretary concerned may not cancel a depot-level maintenance contract in effect on the date of enactment of this act in order to comply with the requirements of this provision.

Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 343) that would require the Department of Defense to use competitive procedures for awarding any workload currently being performed in a military depot.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that the Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of $3.0 million and that is being performed by a depot-level activity of the Department of Defense to performance by a private contractor unless, prior to selection of the private contractor, the Secretary uses competitive procedures for the selection.

Repeal of requirement for competition pilot program for depot-level maintenance of materials (sec. 354)

The House bill contained a provision (sec. 345) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to increase the limit of non-core workload that can be competed among depots or with private industry from 10 percent to 20 percent.

The Senate amendment contained a provision (sec. 358) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by deleting the limitation on the amount of depot maintenance workload in the Army and the Air Force above the core level that can be opened to competition during fiscal year 1993.

The House recedes. The conferees direct that depot maintenance workload selected for competition not be drawn disproportionately from one or several depot maintenance activities of the military Services.

SUBTITLE F—COMMISSARIES AND MILITARY EXCHANGES

Standardization of certain programs and activities of military exchanges (sec. 361)

The House bill contained a provision (sec. 351) that would require the Secretary of Defense to standardize among the military departments certain programs and activities of the military exchanges of the military departments not later than October 1, 1993. The provision would also require the Secretary of Defense to submit to the Congress a report on other programs and activities of the military exchanges that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date for standardization of these programs and activities to March 31, 1994.

Accountability regarding the financial management and use of nonappropriated funds (sec. 362)

The House bill contained a provision (sec. 352) that would require the Secretary of Defense to establish regulations governing the management and use of nonappropriated funds. The provision would also establish penalties for violations of these regulations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities (sec. 363)

The House bill contained a provision (sec. 353) that would establish a demonstration program to determine the feasibility of operating commissary stores by nonappropriated fund instrumentalities at selected locations. The period of the demonstration program would be one year. A report by the Secretary of Defense would be required at the end of the demonstration period concerning recommendations as to whether similar programs should be carried out at other military installations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to conduct the demonstration program at not less than one but not more than three military installations, including at least one installation that supports predominant numbers of reserve and National Guard personnel.

Release of information regarding sales at commissary stores (sec. 364)

The House bill contained a provision (sec. 354) that would repeal 10 U.S.C. 2487, which provides that certain data and reports generated by electronic scanners used in military commissaries may not be released to the public except under a written agreement that requires payment for the information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would amend 10 U.S.C. 2487 to provide that the Secretary of Defense, in his discretion, may: (1) authorize such information to be released under written agreements, awarded under competitive procedures, if he determines that release of such information under such agreements to be in the best interests of the Department of Defense; or (2) authorize such information to be released to the public under the procedures that normally apply to the release of government information to the public.

Use of commissary stores by members of the Ready Reserve (sec. 365)

The House bill contained a provision (sec. 355) that would extend commissary benefits

to members of the Ready Reserve who have satisfactorily completed 50 or more reserve points in a year without regard to whether the reservist was paid for duty.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE G—OTHER MATTERS

Extension of guidelines for reductions in the number of civilian positions in the Department of Defense (sec. 371)

The House bill contained a provision (sec. 361) that would expand the requirements contained in section 322 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) for the annual DOD civilian personnel master plan. The provision would also amend the guidelines for civilian personnel reductions in section 322.

The Senate amendment contained a provision (sec. 354) that would repeal the guidelines and the requirements for this master plan.

The Senate recedes with an amendment. The conferees agree to the changes in the guidelines for reductions for civilian positions in the Department of Defense for fiscal year 1993 only. The conferees also agree that the changes in the civilian positions master plan that would be made by the House provision should apply only to the plan submitted by the Secretary of Defense with the fiscal years 1994/1995 budget request.

Annual report on security and control of supplies (sec. 372)

The House bill contained a provision (sec. 362) that would continue the requirement in section 2891 of title 10, United States Code, for the Secretary of Defense to submit an annual report to the Senate and the House of Representatives on security and control of DOD supplies. The provision would also expand the areas to be included in this report.

The Senate amendment contained a similar provision (sec. 353) that would extend the requirement for this report through fiscal year 1994.

The House recedes.

Transportation of donated military artifacts (sec. 373)

The House bill contained a provision (sec. 363) that would allow the Department of Defense to use military assets to demilitarize and transport excess or donated military items in the United States

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary concerned to demilitarize, prepare, and transport an item authorized to be donated by the military department to a recognized war veterans' association in the United States under section 2572 of title 10, United States Code, without cost to the recipient, if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

Subcontracting authority for Air Force and Navy depots (sec. 374)

The House bill contained a provision (sec. 364) that would expand the authority contained in section 2208(j) of title 10, United States Code, concerning subcontracting authority for the Air Force and Navy.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that over the years, statutes affecting the military Services' depots and arsenals have been enacted that are often oriented toward an individual Service rather than being applied to each Service consistently. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than April 15, 1993, that identifies all of the provisions or statutes affecting the depots and arsenals of one or more military Services, and includes any recommendations to make these provisions and statutes consistent throughout the Department of Defense.

Consideration of vessel location for the award of layberth contracts for sealift vessels (sec. 375)

The House bill contained a provision (sec. 369) that would require the Secretary of the Navy to establish military effectiveness as a major criteria in the award of contracts for the layberthing of sealift vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to use National Guard medical personnel in areas containing medically underserved populations (sec. 376)

The House bill contained a provision (sec. 370) that would establish a pilot program in Tennessee, Florida, and Ohio to use National Guard medical personnel to provide health care to medically underserved populations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Chief of the National Guard Bureau, under regulations prescribed by the Secretary of Defense, to enter into an agreement with the Governors of one or more states to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to medically underserved populations in those states. The provision would authorize not more than $5.0 million for the Chief of the National Guard Bureau to fund activities of the National Guard under these agreements.

Authority for the issue of uniforms without charge to members of the armed forces (sec. 377)

The House bill contained a provision (sec. 371) that would allow the Department of Defense to issue a military uniform without charge to certain members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Program to commemorate World War II (sec. 378)

The House bill contained a provision (sec. 374) that would authorize the Department of Defense to conduct a program to commemorate the 50th anniversary of World War II.

The Senate amendment contained a similar provision (sec. 1048).

The House recedes with an amendment that would subject the program to the Trademark Act and would delete the application of chapter 171 of title 28, United States Code, for voluntary services.

Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property (sec. 379)

The House bill contained a provision (sec. 375) that would extend for one year the authority contained in section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to conduct a demonstration program at Naval Base, Norfolk and Naval Air Station, Norfolk, under which proceeds from the sale of lost, abandoned, or unclaimed property on the installation will be credited to the operation and maintenance account of that installation.

The Senate amendment contained no similar provision.

The Senate recedes.

Promotion of civilian marksmanship (sec. 380)

The House bill contained a provision (sec. 376) that would authorize the continued appropriation of funds for the Army's civilian marksmanship program. The provision would also authorize the Secretary of the Army to raise revenues to support the activities of the civilian marksmanship program through the sale of rifles and ammunition to authorized individuals and clubs and through the establishment of fees for participants in activities of the civilian marksmanship program.

The Senate amendment contained a similar provision (sec. 355).

The House recedes with an amendment.

Optional defense dependents' summer school programs (sec. 382)

The Senate amendment contained a provision (sec. 359) that would authorize the Secretary of Defense to provide optional summer school programs in the DOD dependent schools.

The House bill contained no similar provision.

The House recedes.

Review of military flight training activities at civilian airfields (sec. 383)

The Senate amendment contained a provision (sec. 360) that would require the Secretary of Defense to carry out a review of the present practices and procedures of the military departments in utilizing civilian airfields, especially such airfields located in heavily populated or urban areas, during the course of military flying training activities.

The House bill contained no similar provision.

The House recedes.

Preference for procurement of energy efficient electric equipment (sec. 384)

The Senate amendment contained a provision (sec. 363) that would require the Secretary of military department or the head of a defense agency to provide a preference for the procurement of certain energy efficient electrical and refrigeration equipment for Defense Department contracts. The provision would also require the Secretary of Defense to conduct demonstration projects for the use of energy efficient electric lighting and refrigeration equipment at DOD facilities.

The House bill contained no similar provision.

The House recedes.

Payment of residents of the Armed Forces Retirement Home for services (sec. 385)

The conferees agree to a provision that authorizes the residents of the Armed Forces Retirement Home to hold part-time or intermittent jobs at the Home and to receive compensation for these services.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 386)

The Senate amendment contained a provision (Sec. 333) that would authorize a total of $58.0 million in fiscal year 1993 Defense Department funds for payments to local school districts which are impacted by military de-

pendents. Of this total, $50.0 million would be authorized for assistance to eligible local educational agencies that operate schools that include students who are dependent children of members of the armed forces or civilian employees of the Department of Defense and who, while in attendance at such schools, reside on federal property. The provision would also authorize the Secretary of Defense to use $8.0 million, in consultation with the Secretary of Education, to make payments to local educational agencies eligible for payment under section 3 of Public Law 81-874 (20 U.S.C. 238) which are entitled to payments adjusted in accordance with subsection (e) of that section as a result of closures and realignments of military installations. Finally, the provision would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report to the Senate and House of Representatives on local educational agencies which are affected by base closings and realignments and by redeployments of U.S. military personnel not later than February 15 of each year from 1993 through 1995.

The House bill contained no similar provision.

The House recedes.

State equalization programs (sec. 387)

The Senate amendment contained a provision (sec. 1065) that would provide that any state whose program of state education aid was certified by the Secretary of Education for fiscal year 1988, but whose program was determined by the Secretary not to meet certain requirements for one or more fiscal years from 1989 through 1992 shall be deemed to have met these requirements for fiscal years 1989 through 1992.

The House bill contained no similar amendment.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Prohibition on use of funds to pay for certain patron services at commissary stores

The House bill contained a provision (sec. 311) that would prohibit the Department of Defense from using its funds to pay for bagger or similar patron services at a commissary store.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on management of commissary funds through the Defense Business Operations Fund

The House bill contained a provision (sec. 333) that would prohibit the inclusion of the Defense Commissary Agency in the Defense Business Operations Fund.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to provide an annual report to the Congress on the appropriated fund and surcharge expenditures for commissaries of the Department of Defense.

Requirement of comparable offering from private contractor contracts and Department of Defense contracts for contracts offered for competition

The House bill contained a provision (sec. 344) that would require the Secretary of Defense, in offering for competition contracts for the performance of depot-level maintenance workloads, to offer contracts for the performance of workloads that are being performed by private contractors at least to the same extent as offers for contracts performed by depot-level activities of the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that in offering for competition contracts for the performance of depot-level maintenance workloads, the Secretary concerned should make every effort to achieve a balance between workload being performed by private contractors and workload being performed by depot-level activities of the Department of Defense.

Reporting requirement for funding requests for support of sporting events

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit a report prior to any request or expenditure of funds to support a sporting event such as the Olympics.

The Senate amendment contained no similar provision.

The House recedes. The conferees expect the Secretary of Defense to include future costs for DOD support for athletic events, including justification for such costs, in the Department's budget requests. The conferees also agree that, to the maximum extent practicable, acquisition of equipment by the Department of Defense to support athletic events in the United States should be usable for other missions of the Department of Defense, including support for other athletic events.

Requirement for identification of land on which no hazardous substances or petroleum products or their derivatives were stored, released, or disposed of

The Senate amendment contained a provision (sec. 314) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a mechanism to identify clean portions of closing military facilities that are listed on the national priority list (NPL). Once identified, these clean parcels of land could then be segregated and sold or otherwise transferred in advance of those portions of the closing military facilities that are listed on the NPL and that require environmental remediation prior to transfer.

The House bill contained no similar provision.

The Senate recedes.

Clarification of covenant warranting that remedial action has been taken

The Senate amendment contained a provision (sec. 315) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify that for the purposes of subparagraph (B)(i) of section 120(h), remedial action has been taken if the construction and installation of an approved remedial design has been completed, and the Administrator of the Environmental Protection Agency has determined that the remedy is operating properly and successfully. This provision would allow the Department of Defense and the military Services to transfer land that has long-term remediation efforts in place, such as a system to pump and treat groundwater, but which has otherwise been successfully remediated.

The House bill contained no similar provision.

The Senate recedes.

Requirement to notify states of certain leases

The Senate amendment contained a provision (sec. 316) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 by adding a new section that would direct the head of a federal agency, including the Secretary of Defense, to notify the state in which military property is located 90 days in advance of the date such property is to be leased. This provision would apply only when any hazardous substance or any petroleum product or its derivatives was stored for one year or more, known to have been released or disposed of on the military property being transferred, and only to those facilities that are being closed.

The House bill contained no similar provision.

The Senate recedes.

Modification of contract indemnification authority (sec.)

The Senate amendment contained a provision (sec. 319) that would broaden the scope of contracts, to include contracts for environmental restoration, for which the Secretary of a military department may indemnify contractors for third party claims or for loss of or damage to the contractor's property arising from unusually hazardous activities under the contract, to include contracts for activities carried out under the defense environmental restoration program.

The House bill contained no similar provision.

The Senate recedes.

Impact aid

The Senate amendment contained a provision (sec. 334) that would maintain impact aid funding for school districts in communities affected by military base closings.

The House bill contained no similar provision.

The Senate recedes.

Purchase of items not exceeding $100,000

The Senate amendment contained a provision (sec. 356) that would authorize the Secretary of Defense to increase the threshold on purchases made with operation and maintenance (O&M) funds from $15,000 to $100,000.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to consider any future proposals by the Department of Defense to increase the threshold on purchases made with O&M funds.

Madigan Army Medical Center

The Senate amendment contained a provision (sec. 364) that would authorize $150,000 of the funds authorized to be appropriated by title III for operation and maintenance, army for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize $150,000 within the amount authorized for operation and maintenance, army in fiscal year 1993 for this study.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military Services requested in the President's budget for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 401). The Senate provision would also prescribe officer end strengths as a subset of the active duty end strengths prescribed for each military Service for fiscal year 1993.

The House recedes. The authorized levels are shown below.

ACTIVE DUTY END STRENGTHS

	Fiscal year—1992 planned	1993 request and recommendation
Army:		
Total	640,700	598,900
Officer	94,885	88,855
Navy:		
Total	551,400	535,800
Officer	69,395	67,455
Marine Corps:		
Total	188,000	181,900
Officer	19,065	18,440
Air Force:		
Total	486,800	449,900
Officer	92,020	84,970
Totals:		
Total	1,866,900	1,766,500
Officer	275,365	259,720

Active and reserve force structure and end strength reductions (sec. 402)

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of Defense to exceed the active duty end strengths prescribed in section 401, and to transfer funds for such purpose, to the extent he determines that such actions are necessary to avoid involuntary separations.

The House bill contained no similar provision.

The House recedes. The conferees note that this is the second year that the conferees have recommended this authority. For fiscal year 1992, the military Services have this authority in section 664 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to avoid any involuntary separations.

General and flag officer joint requirements (sec. 403)

The Senate amendment contained a provision (sec. 405) that would authorize the Chairman of the Joint Chiefs of Staff to exclude up to eight general or flag officer positions designated as joint service requirements from the general and flag officer end strength ceilings established for fiscal year 1995 by section 403 of the National Defense Authorization Act for Fiscal Year 1991 (Pubic Law 101-510). This authority would be temporary and effective for only three years.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would increase to twelve the number of general and flag officers that may be excluded. The conferees note that the increase compensates for action taken elsewhere in this act that would obviate the realignment of four general and flag officer positions from other sources within the Department of Defense to the control of the Chairman of the Joint Chiefs of Staff.

Study on general and flag officer requirements for joint positions (sec. 404)

The conferees recommend a provision that would require the Secretary of Defense to conduct a study of general and flag officer requirements for joint positions, and to report the results of the study along with appropriate recommendations to the Committees on Armed Services of the Senate and House of Representatives within one year of the enactment of this act.

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would restore to the Selected Reserve end strength 49,050 of the 115,997 reduction (including the Coast Guard Reserve) requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 411) that would restore to the Selected Reserve end strength 103,705 of the 115,997 reduction requested by the Department of Defense by reaffirming the Selected Reserve end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The Senate amendment would also prohibit any Selected Reserve force structure or unit reductions in fiscal year 1993, except for: 1) physical relocation of units which are the direct result of mandated base realignments and closures in fiscal year 1993; 2) the deactivation of reinforcing units of the Naval Reserve tied directly to a decommissioning of an active component unit in fiscal year 1993; and 3) the deactivation of an aviation unit which results directly from the phase-out of a weapons system from both the active and reserve components in fiscal year 1993.

The Senate recedes with an amendment. The authorized levels are shown below.

	FY 1992 program	DOD request FY 1993	Conference agreement
Army National Guard	431,200	383,100	422,725
Army Reserve	301,840	257,500	279,615
Naval Reserve	142,611	125,800	133,675
Marine Corps Reserve	42,400	38,900	42,315
Air National Guard	118,100	119,200	119,300
Air Force Reserve	83,396	82,200	82,300
Coast Guard Reserve	15,150	12,000	15,150
Totals	1,134,697	1,018,700	1,095,080

The conference agreement would further establish the fiscal year 1993 end strength authorization for each selected reserve component as a minimum, and authorize the Secretary concerned to breach this minimum by one-half of one percent if necessary in order to permit the early and timely release of individuals prior to the end of the fiscal year in order to avoid individual hardship.

End strengths for reservists on active duty in support of the reserve components (sec. 412)

The House bill contained a provision (sec. 412) that would increase the full-time manning of the reserve components by 2,389 over the budget request.

The Senate amendment contained a provision (sec. 412) that would reaffirm the reserve full-time support end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The Senate recedes with an amendment. The authorized levels are shown below.

	Fiscal year 92 program	DOD Request fiscal year 1993	Authorized fiscal year 1993
Army National Guard	24,611	22,637	24,736
Army Reserve	12,838	12,152	12,637
Naval Reserve	22,504	20,926	21,490
Marine Corps Reserve	2,285	2,130	2,285
Air National Guard	9,081	9,131	9,106
Air Force Reserve	649	636	636
Totals	71,968	67,612	70,890

Reserve component force structure (sec. 413)

The House bill contained a provision (sec. 413) that would establish a force structure allowance of not less than 425,000 for the Army National Guard during fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretaries of the military departments to prescribe a force structure allowance, or a number of units and positions allocated to those units, for each reserve component that is consistent with the authorized end strength for that component. The amendment would further require the Secretaries concerned to prescribe the force structure allowance in accordance with historical Services policies but, in no case, prescribe a force structure allowance for any component that is less than the authorized end strength for the particular component. With regard to unit reductions, the conferees expect that no medical or aviation units in any of the reserve components be eliminated in fiscal year 1993.

Authorization of student training loads (sec. 421)

The House bill contained a provision (sec. 421) that would authorize the military training student loads for each military Service and reserve component for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 421).

The Senate recedes. The authorized levels are shown below.

Fiscal year 1993 Committee Recommendation

Service:	
Army	85,475
Navy	51,371
Marine Corps	18,831
Air Force	33,164
DOD Agencies	4,740
Total	193,581

Reduction in recruiting personnel (sec. 431)

The Senate amendment contained a provision (sec. 564) that would require the Department of Defense to reduce the number of military personnel assigned to recruiting activities by 10 percent from the fiscal year 1992 level over two years. Individuals in positions that are eliminated would return to work in their primary specialties.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Navy craft of opportunity program (sec. 432)

The House bill contained a provision (sec. 534) that would direct the Secretary of the Navy to ensure that none of the end strength reductions projected for the Navy Reserve in this act include personnel authorizations assigned to the craft of opportunity (COOP) mission.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on military personnel appropriation (sec. 433)

The Senate amendment contained a provision (sec. 431) that would limit the fiscal year 1993 appropriations for military personnel to $77.3162 billion.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the fiscal year 1993 appropriations for military personnel to $76.311 billion.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to increase or decrease authorized strengths

The Senate amendment contained a provision (sec. 403) that would authorize the Secretary of Defense, when he determines such action to be in the national interest, to increase and decrease the end strengths authorized for the active and reserve components by .5 percent and 2 percent, respectively.

The House bill contained no similar provision.

The Senate recedes.

Repeal of limitation on reductions in medical personnel

The Senate amendment contained a provision (sec. 404) that would repeal the current limitation on the reduction of medical personnel.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the two-year medical study mandated by the Congress in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) should analytically address and make recommendations on the appropriate mix of active and reserve medical personnel. Until the Congress can take action on the recommendations of the study, the conferees believe that the active and reserve medical strengths of the military Services should not be reduced. In this regard, section 518 of this act would prohibit the Secretary of Defense from reducing medical personnel in the Selected Reserve below the number of such personnel in the Selected Reserve on September 30, 1992. The conferees note and endorse the discussion in the Senate report (S. Rept. 102-352) of the Senate provision with regard to the expected outcome of the medical study.

Limitation on the appropriation for permanent change of station

The Senate amendment contained a provision (sec. 563) that would limit appropriations for permanent change of station (PCS) moves to $2,863.11 million, or $150 million below the amended budget request for fiscal year 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees endorse the intent of the Senate provision to reduce personnel turbulence and increase tour lengths in the military Services. In this regard, the conferees direct the Secretary of Defense to include in the justification material for the budget request for fiscal years 1994/1995 the actions being taken or that are planned within the Department of Defense to reduce personnel turbulence and increase tour lengths.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to personnel policy provisions in title XLIV (sec. 500)

This section cross-references transition benefit provisions that would normally appear in this title to the appropriate sections in title XLIV of this act.

Reports on plans for officer accessions and assignment of junior officers (sec. 501)

The Senate amendment contained a provision (sec. 521) that would require the Department of Defense to submit to the congressional defense committees a report on its plan for the procurement of officers, by source of commission, through fiscal year 1997. This provision would also require the Department of Defense to submit a report to the congressional defense committees on its plan for the assignment of officers entering on active duty, by source of commission, through fiscal year 1997.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Evaluation of effects of officer strength reductions on officer personnel management systems (sec. 502)

The Senate amendment contained a provision (sec. 522) that would require the Department of Defense to task an outside agency, such as a federally funded research and development center (FFRDC) with extensive manpower expertise, to conduct a complete review of the officer management plans of the military Services, and to make recommendations to the Department of Defense for appropriate changes to the Defense Officer Personnel Management Act (DOPMA).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Submission of eligibility lists to selective early retirement boards (sec. 503)

The Senate amendment contained a provision (sec. 524) that would clarify the authority of the Secretary of a military department to exclude from eligibility lists provided to selective early retirement boards the names of officers who do not meet the eligibility criteria prescribed by the Secretary concerned. This provision would apply to the temporary, expanded selective early retirement authority provided to the Department of Defense at its request.

The House bill contained no similar provision.

The House recedes.

Temporary authority to adjust the tenure of limited duty officers in the Navy (sec. 504)

The Senate amendment contained a provision (sec. 525) that would temporarily authorize the establishment of maximum tenure points for limited duty officers (LDO) in the Navy: (1) for the grade of commander (O-5), 35 years of total active service or after twice failing of selection to the grade of captain (O-6), whichever occurs first; and (2) for the grade of captain (O-6), 38 years of total active service. This provision would expire on October 1, 1995.

The House bill contained no similar provision.

The House recedes.

Appointment of chiropractors as commissioned officers (sec. 505)

The House bill contained a provision (sec. 502) that would amend title 10, United States Code, to authorize the Secretary of Defense to appoint chiropractors as commissioned officers in the armed forces to provide chiropractic care within the military health care system.

The Senate amendment contained a similar provision (sec. 701).

The Senate recedes with a technical amendment.

Clarification of minimum service requirements for certain flight crew positions (sec. 506)

The House bill contained a provision (sec. 503) that would amend title 10, United States Code, to require reserve component members to complete a period of service obligation in an active status in the Selected Reserve.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would clarify that this provision applies to National Guard and Reserve members who have completed flight training in an active duty for training status.

Authority for temporary promotion of certain Navy lieutenants (sec. 507)

The House bill contained a provision (sec. 504) that would make permanent the authority for spot promotion of certain Navy lieutenants who possess skills for which a critical shortage exists and who are serving in positions designated to be held by lieutenant commanders. The current authorization expires on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would extend the current authorization for one year. The conferees believe that the continued need for this authority should be evaluated in the review of the defense officer management system mandated elsewhere in this statement of the managers.

Pilot program for active component support of reserves (sec. 511)

The House bill contained a provision (sec. 511) that would restructure the active Army support program for the reserve component required by sections 414 and 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to make it a phased, integrated two-year test.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note and endorse the discussion of this provision in the House report (H. Rept. 102-527).

Repeal of requirement for removal of full-time reserve personnel from ROTC duty (sec. 512)

The House bill contained a provision (sec. 512) that would repeal section 559 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), which prohibited active guard and reserve (AGR) personnel from being assigned to duty with a unit of the Reserve Officer Training Corps (ROTC) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the number of AGR personnel assigned to ROTC duty to not more than 200 at any time.

Active Army combat support and combat service support billets (sec. 513)

The Senate amendment contained a provision (sec. 501) that would require the Army to realign the missions associated with the 19,000 combat support and combat service support spaces it retained in the active Army from deactivated units in Europe to the Army National Guard and Army Reserve as appropriate by the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would strike the realignment of missions required in the Senate provision, and instead require the report on the structure and mix of active and reserve forces required by section 402 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to include an assessment of the effect on combat readiness of realigning the missions as proposed in the Senate provision. The amendment would also modify the number of combat support and combat service support positions cited in the Senate provision from 19,000 to 13,700.

Preference in Guard and reserve affiliation for voluntarily separated members (sec. 514)

The House bill contained a provision (sec. 514) that would amend section 1150 of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to include voluntarily separated personnel as individuals who have preference for assignment to positions in the Selected Reserve. The House bill also contained another provision (sec. 703) that would address this subject.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would integrate the two House provisions.

Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of reserve officers to grades above first lieutenant or lieutenant (junior grade) (sec. 515)

The House bill contained a provision (sec. 515) that would make a technical correction to section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to clarify that the section does not apply if the person was appointed to or federally recognized in the grade of captain or Navy lieutenant before October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Disability, retired, or severance pay for reserve members disabled while traveling to or from training (sec. 516)

The House bill contained a provision (sec. 516) that would authorize the payment of disability retired or severance pay to certain reserve members who were or who become disabled while travelling either to or from reserve training.

The Senate amendment contained no similar provision.

The Senate recedes.

Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve (sec. 517)

The House bill contained a provision (sec. 517) that would authorize ROTC members who are concurrently members of the Selected Reserve to receive credit for active service for any period of enlisted service on active duty other than for training after July 31, 1990.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that this provision would provide for the equitable treatment of individuals who were activated in their Selected Reserve positions. The situation addressed by this provision would not have occurred had these individuals not been in a dual status. The conferees question the advisability of continuing the simultaneous membership program. In this regard, the conferees direct the Secretary of Defense to evaluate the simultaneous membership program to determine if it should be continued, and to report the results of the evaluation to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The report shall include a summary of actions that have been taken or are planned on the basis of the evaluation.

Limitation on reduction in number of medical personnel in the National Guard and reserves (sec. 518)

The Senate amendment contained a provision (sec. 502) that would prohibit the Secretary of Defense from reducing the number of medical personnel in the Army National Guard and Army Reserve below the number of such personnel in those components on September 30, 1992.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the coverage of this provision to all components of the Selected Reserve.

One-year extension of certain reserve officer management programs (sec. 519)

The House bill contained a provision (sec. 513) that would extend, from September 30, 1992 to September 30, 1993, the authorities for: (1) the appointment of a person as a reserve officer in the medical corps with credit applied for education and experience in determining the grade to which the person will be appointed; (2) the promotion of certain reserve officers serving on active duty who would have been otherwise promoted but for the fact they were serving on active duty; and (3) the use of professional credit by certain officers of the reserve components in the computation of years of service for the transfer of such officers to the retired service.

The Senate amendment contained a similar provision (sec. 503).

The House recedes with a clarifying amendment.

Modification of the reenlistment eligibility of certain former reserve officers (sec. 520)

The Senate amendment contained a provision (sec. 504) that would modify current reenlistment eligibility criteria to deny reenlistment to those reserve officers who are discharged or released from active duty for misconduct, moral or professional dereliction, duty performance below standards for the grade held, or retention being inconsistent with the interests of national security. The provision would also deny reenlistment in those cases in which an officer's former enlisted status and grade were based only on participation in a precommissioning program that led to the commission from which the individual was released or discharged.

The House bill contained no similar provision.

The House recedes.

Military service academies (secs. 521-524)

The Senate amendment contained six provisions (secs. 511-516) that would effect certain efficiencies in the operation of the military service academies. The rationale for these provisions is contained in the report by the Senate Armed Services Committee on the National Defense Authorization Act for Fiscal Year 1993 (S. Rept. 102-352). The Senate provisions are discussed below.

Section 511 would require that no more than one two-star general or flag officer may be assigned to each of the military service academies.

Section 512 would require the Secretary of Defense to submit a plan to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993 for implementing the recommendations of the March 1992 report by the General Accounting Office (GAO) on the academy preparatory schools.

Section 513 would require the Secretary of Defense to submit legislation by April 1, 1993 to conform faculty staffing at the United States Military Academy (USMA) and the United States Air Force Academy (USAFA) to the faculty staffing at the United States Naval Academy (USNA) (50/50 military/civilian mix), and to phase out the assignment of permanent military professors at the USMA and USAFA.

Section 514 would prescribe that no appropriated funds may be used after April 1, 1993 to pay for enlisted bands at the military service academies.

Section 515 would prescribe that no appropriated funds may be used after April 1, 1993 to pay non-instructional military staff at the military service academies in positions that are not certified by the DOD Inspector (DODIG) as directly involved in the administration of students and faculty or maintenance of facilities at these institutions.

Section 516 would place staff supervision of the military academies under the training and education commands of the military services (Army Training and Doctrine Command, Naval Education and Training Command, and Air Training Command).

The House bill contained no similar provisions.

The House recedes with an amendment.

With regard to the Senate provision limiting the number of general and flag officers that may be assigned to the military service academies (sec. 511), the amendment would instead repeal the minimum grade requirements in statute for general and flag officer positions at the military service academies. The amendment is intended to provide the Secretary of Defense the authority and flexibility to evaluate and establish uniform standards for designating general and flag officer positions at the military service academies. The conferees note and endorse the intention of the Air Force to realign one of the three general officer positions at the USAFA.

With regard to the Senate provision on the military service academy preparatory schools (sec. 512), the conferees agree that the Secretary of Defense should consider efficiencies in the operation of these schools, such as those recommended by the General Accounting Office, and consistent with other principles of organizational and management efficiency. The conferees note that the military academies are planning actions to effect efficiencies in this area, and expect the Secretary of Defense to coordinate and follow through on these plans.

With regard to the Senate provision requiring the Secretary of Defense to submit legislation to conform the civilian-military faculty mix at the USMA and the USAFA to that at the USNA, and to phase out the assignment of permanent military professors at these institutions (sec. 513), the amendment would instead require the Secretary of Defense to submit recommended legislation for increasing the number of civilian faculty and reducing the number of military faculty at the USMA and the USAFA. The amendment would also provide the USMA and USAFA the same civilian hiring flexibility that currently is authorized for the USNA.

With regard to the Senate provision that would phase out the enlisted bands at the military service academies (sec. 514), the conference agreement would drop the Senate provision. However, the conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services by April 1, 1993, on a broader evaluation of the overall structure and organization of military bands. The conferees note that there are 93 military bands, 49 of which are in the Army. These bands cost nearly $200 million annually to operate. The conferees recognize the valuable function of military bands, both in the military and civilian communities, and do not propose their complete elimination. However, the conferees believe that efficiencies in the structure and organization of bands can and should be achieved as defense resources are reduced. For example, cadets and midshipmen at the military service academies could be encouraged to form their own bands to help reduce reliance on active duty resources (there are 98 active duty band members at the USMA), and the National Guard and reserve components could be assigned more responsibility for part-time support in this area.

With regard to the Senate provision that would prohibit the use of appropriated funds for non-instructional staff at the military service academies that are not certified by the DODIG as directly involved in the administration of students and faculty or maintenance of facilities at the military

service academies (sec. 515), the amendment would instead require the DODIG to conduct a management audit of the non-instructional staff at the military service academies, and the Secretary of Defense to report the results of the audit and the actions taken on the basis of the audit to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993. The conferees believe that efficiencies can and should be achieved in this area.

With regard to the Senate provision that would place the staff supervision of the military service academies under the training and education commands of the military services (sec. 516), the conference agreement would drop the Senate provision. However, the conferees expect the Secretary of Defense to review current oversight procedures and to promulgate a regulation which provides for the uniform oversight and management of the military service academies and to submit a copy of that regulation to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993.

Authority of the United States Military Academy to confer the degree of master of arts in leadership development (sec. 525)

The House bill contained a provision (sec. 532) that would authorize the Superintendent of the United States Military Academy (USMA) to confer the degree of master of arts in leadership development on a maximum of 20 graduates annually of that program who have fulfilled the requirements for the degree.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Superintendent of the USMA to confer the degree of master of arts in leadership development only on those officers who have successfully completed the course of instruction devised by the USMA for this purpose, to include those officers who are enrolled in the course of instruction on the date of enactment of this act.

Report on prohibition on participation of reserve personnel in Air Force pilot training courses (sec. 531)

The House bill contained a provision (sec. 521) that would prohibit Air Force Reserve and Air National Guard pilot candidates from attending undergraduate pilot training (UPT) conducted by the active Air Force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would strike the House provision, and instead require that no additional National Guard or Air Force Reserve personnel may be scheduled for UPT until a report is submitted to the Committees on Armed Services of the Senate and House of Representatives by the Secretary of Defense on the necessity for continuing the input of National Guard and Air Force Reserve personnel into UPT. The conference agreement would allow National Guard and Air Force Reserve personnel scheduled for UPT on the date of enactment of this act to complete processing for and to enter UPT if qualified.

ROTC scholarships for National Guard (sec. 532)

The House bill contained a provision (sec. 522) that would amend title 10, United States Code, to designate 100 financial assistance programs to be awarded by the Chief, National Guard Bureau, for students that will be required to serve in the Army National Guard after being appointed as commissioned officers. The House provision would require that such students attend military universities, military junior colleges, or state universities within the state of their residence. The House provision would also require that such students be prohibited from serving on active duty other than for training, unless called to active duty with their Army National Guard Selected Reserve unit, or as an individual filler in support of a contingency operation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army, instead of the Chief of the National Guard Bureau, to implement this program consistent with the standards for the active duty program and with appropriate consideration for the geographic dispersion of such scholarships. The amendment would also designate 50 of the 100 scholarships for 2-year programs.

Junior reserve officers' training corps program (sec. 533)

The House bill contained a provision (sec. 523) that would amend title 10, United States Code, to allow students above the eighth grade, regardless of age, and aliens lawfully admitted to the United States for permanent residence, to be counted when determining whether a Junior ROTC program has the minimum number of students required to remain active. The House provision would also remove the ceiling on instructor pay, but continue existing limits on Department of Defense obligations for instructor salaries.

The Senate amendment contained a similar provision (sec. 565) that would: (1) codify the purpose of the Junior ROTC programs of the military Services; (2) permit these programs to be expanded in number from 1,600 to 3,500; and (3) authorize the Secretary of a military department to pay a participating institution the difference between an instructor's military retired pay and the instructor's normal pay if on active duty in those instances determined by the Secretary concerned to be in the national and community interest.

The House recedes with an amendment. The amendment would combine the House and Senate provisions, and also specify that the authority for the Secretary of a military department to pay the participating institution's portion of instructor pay should be limited to institutions in educationally and economically disadvantaged areas.

Retention on active duty of enlisted members within two years of eligibility for retirement (sec. 541)

The Senate amendment contained a provision (sec. 561) that would provide the same tenure protection to enlisted members that is afforded under current law to officers who have completed 18 but less than 20 years of active duty for retirement eligibility purposes.

The House bill contained no similar provision.

The House recedes.

Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities (sec. 542)

The House bill contained a provision (sec. 531) that would establish more appropriate guidelines governing the acceptance of honoraria for an appearance, speech, or article by students and faculty of Department of Defense educational institutions.

The Senate amendment contained no similar provision.

The Senate recedes.

Payment for leave accrued and lost by Korean conflict prisoners of war (sec. 543)

The House bill contained a provision (sec. 533) that would ensure that the Department of Defense has the authority to pay, from appropriations available for the current fiscal year, deserving former Korean conflict prisoners of war for leave actually accrued and lost while a prisoner of war.

The Senate amendment contained no similar provision.

The Senate recedes.

Military reserve technicians (sec. 544)

The House bill contained a provision (sec. 1301) that would require the Secretary of Defense to implement a program that would provide priority consideration to certain involuntarily separated military reserve technicians for positions in the competitive service within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Air Reserve technicians (sec. 545)

The House bill contained a provision (sec. 535) that would direct the Secretary of the Air Force to carry out the high-year tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a reservist before attaining age 60 in the case of any technician who has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

The Senate amendment contained no similar provision.

The Senate recedes.

Mental health evaluations of members of armed forces (sec. 546)

The House bill contained a provision (sec. 536) that would require the Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard, to prescribe regulations regarding mental health evaluations of members of the armed forces. The House provision would specify that the regulations shall cover procedures for outpatient and inpatient evaluations; member rights; procedures for emergency or involuntary inpatient evaluations; and a prohibition against the use of referrals for mental health evaluations to retaliate against whistleblowers.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on the Selective Service System (sec. 547)

The Senate amendment contained a provision (sec. 1064) that would require the Secretary of Defense, in consultation with the Director of the Selective Service System, to submit a report through the President to Congress on the continued requirement for registration under the Selective Service System.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of requirement concerning initial commissioning of officers

The House bill contained a provision (sec. 501) that would repeal section 501 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), which mandates that all commissioned officers appointed after September 30, 1996 be

initially appointed in a reserve component on active duty for a minimum of one year.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for test assignments of female service members to certain combat positions

The Senate amendment contained a provision (sec. 523) that would modify the authority provided by section 550 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) for the Department of Defense to conduct test assignments of women to combat positions. The provision would require the Department of Defense to include in such tests at a minimum the assignment of women to combat aircraft in each of the military Services.

The House bill contained no similar provision.

The Senate recedes.

Teacher certification credit for military experience

The Senate amendment contained a provision (sec. 532) that would require the Secretary of Defense to develop uniform standards and procedures for the granting of appropriate credit for servicemembers under state teacher certification and licensing procedures. The provision would also require the Secretary to coordinate with appropriate state agencies to encourage the adoption of such standards and procedures by the states.

The House bill contained no similar provision.

The Senate recedes. However, certain of the requirements contained in the Senate provision would be incorporated into the conference agreement on teacher and teacher's aide placement programs for separating servicemembers.

Limitation on enlisted aides

The Senate amendment contained a provision (sec. 562) that would reduce the current statutory ceiling on enlisted aides from 300 to 240, consistent with the 20 percent reduction in general and flag officers mandated in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). The provision would also limit the assignment of enlisted aides only to personnel who occupy command positions.

The House bill contained no similar provision.

The Senate recedes. The conferees expect the Secretary of defense to review the current practices and numbers with regard to the assignment of enlisted aides, and to report the results of the review to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The conferees expect the review to consider the existing limit on the number of enlisted aides that are authorized and the overall reduction in the number of general and flag officers. In this regard, the conferees expect the Committees on Armed Services to consider and take appropriate action on the recommendations of the Department of Defense in this area next year.

Reserve Forces Policy Board

The conferees note that the Reserve Forces Policy Board (RFPB) celebrates its 40th anniversary this year. The RFPB was created by an act of Congress in 1952 to provide policy advice to the Secretary of Defense on matters relating to the reserve components of the military Services. The RFPB role during the Cold War years was instrumental in assisting the Department of Defense in creating a credible, ready, reserve force, particularly after the advent of the Total Force Policy. The RFPB function today is no less important. The debate on the size, roles, missions, and ultimate disposition of the reserve components of the future must be conducted utilizing the experience and expertise of those who have served in and with those forces. The conferees believe that the RFPB should continue to perform the essential function with direct access to the top leadership in the Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to compensate and other personnel benefits in title XLIV (sec. 600)

This section cross-references compensation and other benefit provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

Authority to waive repayment of advance pay received incident to an authorized or ordered evacuation (sec. 602)

The Senate amendment contained a provision (sec. 614) that would authorize the Secretaries of the military departments to waive the recovery of up to one month's advance pay made to single or unaccompanied military personnel who drew an advance incident to an authorized or ordered evacuation. Current law allows such waivers for accompanied personnel only. This provision would recognize that single and unaccompanied members, like accompanied members, may also suffer consequences of such an evacuation that would make recovery of the advance pay received against equity and good conscience or against the public interest.

The House bill contained no similar provision.

The House recedes. The conferees expect the Department of Defense to apply this provision to military personnel affected by Hurricane Andrew as appropriate.

Clarification of authority to provide special pay for nonphysician health care providers (sec. 611)

The House bill contained a provision (sec. 611) that would expand section 302(c) of title 37, United States Code, to include chiropractors within the definition of nonphysician health care providers authorized special pay. The provision is a companion to another House provision (sec. 507), which would authorize chiropractors to be commissioned in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of expiring authorities for certain bonuses and special pay (sec. 612)

The House bill contained a provision (sec. 612) that would extend from September 30, 1992 to September 30, 1993, the authorities for: (1) a reenlistment bonus for active members; (2) an enlistment bonus for members in critical skills; (3) an aviator retention bonus; (4) enlistment and reenlistment bonuses for reserve members; (5) special pay for enlisted members of the Selected Reserve assigned to high priority units; (6) education loans for certain health professionals who serve in the Selected Reserve; (7) an accession bonus for registered nurses; (8) a nurse candidate accession program; and (9) special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 603).

The Senate recedes with a technical amendment.

Temporary increase in the number of days a member may be reimbursed for temporary lodging expenses (sec. 621)

The House bill contained a provision (sec. 621) that would authorize the Secretaries of the military Services to extend the period of time from four to ten days for which subsistence expenses may be paid or reimbursed for a change of permanent station to a geographical area determined by that Secretary to be affected by the withdrawal of U.S. forces from overseas base realignments and closures, or the restructuring or deactivation of units. This authority would extend through September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on the asserting of liens on personal property being transported at government expense (sec. 622)

The Senate amendment contained a provision (sec. 613) that would prohibit transporters from asserting liens on the personal property of military personnel while such property is being transported at government expense. This provision would protect military personnel from liens or detainment of household goods, unaccompanied baggage, and privately owned vehicles due to carrier disputes.

The House bill contained no similar provision.

The House recedes.

Subsistence reimbursement for escorts of foreign arms control inspectors (sec. 623)

The Senate amendment contained a provision (sec. 619) that would authorize reimbursement for subsistence costs incurred by U.S. military personnel accompanying foreign arms control inspectors in the United States for monitoring on-site inspections provisions of arms control treaties and agreements.

The House bill contained no similar provision.

The House recedes.

Amendment to reflect change in name of the Military Airlift Command to the Air Mobility Command for travel and transportation (sec. 624)

The Senate amendment contained a provision (sec. 618) that would make a technical change to section 404 of title 37, United States Code, to reflect the change in the name of the Military Airlift Command to the Air Mobility Command.

The House bill contained no similar provision.

The House recedes.

Evacuation allowance in connection with Hurricane Andrew (sec. 625)

The conferees recommend a provision that would remove legal impediments to the payment of evacuation allowances to military personnel, federal civilian personnel, and certain military dependents who were evacuated as a result of Hurricane Andrew.

Concurrent receipt of military retirement pay and veterans' disability pay (sec. 641)

The Senate amendment contained a provision (sec. 611) that would require the Department of Defense to: (1) submit legislation that would permit the concurrent receipt of military retired pay and veterans' disability compensation pay, or another formula to accomplish this end; and (2) set aside sufficient amounts in its legislative contingency fund to pay for the enactment of such legislation in fiscal year 1994.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would strike the Senate provision and instead require the Secretary of the Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to military retirees of military retired pay and veterans' disability compensation. The conferees direct the Congressional Research Service (CRS) of the Library of Congress to provide a report to the Committees on Armed Services by April 1, 1993 on programs which currently have offsets similar to the offset made between military retired pay and VA disability compensation, or where the beneficiary is required to choose between benefits earned during the same chronological time period, e.g., Civil Service Retirement and Federal Employment Compensation Act. The study should include, but not be limited to the following programs:

(1) Military survivors benefits/dependency and indemnity compensation

(2) Federal civil service retirement/federal employment compensation

(3) Railroad retirement/workers' compensation

(4) Social Security/workers' compensation

(5) Federal civil service disability/Federal Employment Compensation Act/state and local government disability programs

The Congressional Research Service (CRS) study should further address the question of how the current policy of offsetting military retired pay and VA disability compensation, as it relates to military retirees, compares to other federal beneficiaries affected by similar policies. The study should also estimate the budgetary impact of removing such policies throughout the federal government.

Amendment of computation of retired pay for certain enlisted members credited with extraordinary heroism (sec. 642)

The Senate amendment contained a provision (sec. 615) that would make a technical change to section 1402 of title 10, United States Code. The provision would permit enlisted members who are entitled to an increase in retired pay because of extraordinary heroism to retain this entitlement in the event their retired pay is later recomputed for additional active service.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Survivor Benefit Plan open enrollment (sec. 643)

The House bill contained a provision (sec. 654) that would amend section 1405 of the Military Survivor Benefits Improvement Act of 1989 (Public Law 101-189).

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of temporary foster care services outside the United States for children of the armed forces (sec. 651)

The House bill contained a provision (sec. 651) that would amend chapter 53 of title 10, United States Code, to authorize the Service Secretaries involved to expend appropriated funds for expenses related to providing necessary foster care in overseas areas where public, tax supported services are not available for children of members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Reimbursement for adoption expenses (sec. 652)

The Senate amendment contained a provision (sec. 612) that would modify the adoption reimbursement benefit authorized by section 651 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to provide the broader benefit coverage authorized in the original test program by section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180). The broader coverage would be retroactive to the date of the expiration of the test program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide reimbursement for adoption expenses under the program adopted last year.

Protection for dependent victims of abuse by members of the armed forces (sec. 653)

The Senate amendment contained a provision (sec. 1070) that would provide annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent. The provision would also entitle such individuals to benefits on the same basis as a dependent of a retired member of the armed forces.

The House recedes with an amendment that would align the benefits and procedures authorized in this section with the benefits provided to former spouses under the Uniformed Services Former Spouses Protection Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of CHAMPUS reform initiative contract

The House bill contained a provision (sec. 633) that would direct the Secretary of Defense to issue a modification to the request for proposals (RFP) for the new CHAMPUS reform initiative (CRI) contract in California and Hawaii to more closely reflect the beneficiary cost-sharing requirements included in the current CRI contract in operation in those two states.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the Department of Defense has recognized the wisdom of the House provision, and has implemented it.

Reproductive health services

The House bill contained a provision (sec. 637) that would entitle military personnel and their dependents to reproductive health services in a medical facility of the uniformed services outside the United States on a reimbursable basis.

The Senate amendment contained a similar provision (sec. 715).

The conferees agree to exclude this provision. The Senate has passed a bill (S. 3144) which contains this provision. The House intends to pass this bill and send it to the President as soon as possible.

Educational assistance for graduate programs for members of the Selected Reserve

The House bill contained a provision (sec. 642) that would amend title 10, United States Code, to permit Selected Reserve participant in the Montgomery G.I. Bill to pursue graduate level course work, subject to available appropriations.

The Senate amendment contained no similar provision.

The House recedes.

Survivor Benefit Plan annuity

The House bill contained a provision (sec. 653) that would provide an annuity under the Survivor Benefit Plan to Charlotte S. Neal, of Lynchburg, Virginia, former wife of the late Lieutenant Commander Michael D. Christian, United States Navy (Retired).

The Senate amendment contained no similar provision.

The House recedes.

Eligibility for retire pay for non-regular service

The Senate amendment contained a provision (sec. 617) that would authorize certain personnel who were members of a reserve component or other non-regular component of the armed forces before August 16, 1945, and who completed 20 or more years of qualifying service on or after that date, to be eligible for retired pay. Such eligibility would begin on the date of enactment of this provision.

The House amendment contained no similar provision.

The Senate recedes.

Services provided by the Defense Accounting and Finance Service

The conferees note that the Senate report (S. Rept. 102-352) directed the General Accounting Office to conduct an audit of the Defense Accounting and Finance Service (DFAS). The conferees expect the audit to include an assessment of the adequacy of services provided to all segments of the DFAS customer base (active, reserve, retired and other customers), and an evaluation of plans to implement the defense joint military pay system and the defense retiree annuitant pay system. The conferees are interested in whether or not these systems will result in broader, improved services to customers.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to health care services in title XLIV (sec. 700)

This section cross references health care provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

CHAMPUS dental health care benefits (sec. 701)

The Senate amendment contained a provision (sec. 702) that would authorize $80.0 million for the Department of Defense to design and implement an improved dental health care benefit for military dependents under the CHAMPUS program. This provision would also prescribe an increase in the monthly premium limit from $10 to $20, and authorize the Department of Defense to prescribe higher deductibles for orthodontic services, crowns, gold fillings, bridges, or complete or partial dentures.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would: (1) authorize the Secretary of Defense to reduce premiums for enlisted members in the E-1 through E-4 grades; (2) strike the statutory dollar limit on this program; (3) establish an April 1, 1993 effective date; (4) provide flexibility to the Secretary of Defense to add additional covered services; and (5) authorize $50.0 million for implementation of this program in fiscal year 1993.

Pharmaceutical drug benefit (sec. 702)

The Senate amendment contained a provision (sec. 705) that would require the creation and phase-in of a mail-service pharmaceutical drug benefit for members of the military community (active duty members and their dependents, retirees, and survivors). The benefit would initially be phased-in in at least two multi-state areas within 18 months. A report to Congress, prior to full implementation, would be made within 24

months of enactment of this act. In addition, the Senate amendment would require the implementation of a demonstration project to supply prescription pharmaceuticals to eligible persons through a managed care network of community retail pharmacies. The benefit would initially be carried out in regions that consisted of at least two multi-state areas.

The House bill contained no similar provisions.

The House recedes with an amendment.

The amendment would require that the managed care network of community retail pharmacies become a part of all managed health care programs awarded or renewed after January 1, 1993.

In establishing this program, the conferees recommend that the Secretary of Defense take advantage of the latest technologies found in civilian managed care networks utilizing community retail pharmacies and other government programs, such as a point-of-sale electronic claims management system for the purpose of performing on-line, real-time eligibility verification, claims data capture, and adjudication and payment of claims. The conferees believe such service will be important to the efficient and effective management of the new managed care network of community retail pharmacies.

Maximum annual amount for deductibles and co-payments (sec. 703)

The Senate amendment contained a provision (sec. 707) that would lower the existing CHAMPUS catastrophic cap for retirees and their dependents from $10,000 to $7,500.

The House bill contained no similar provision.

The House recedes.

Comprehensive individual case management program under CHAMPUS (sec. 704)

The House bill contained a provision (sec. 639) that would permit payment of comprehensive home health services under CHAMPUS, where cost-effective and appropriate. The provision would also put in place a case management system to coordinate utilization of health services.

The Senate amendment contained a similar provision (sec. 709).

The House recedes with a technical amendment.

The conferees believe the case management program is the best approach to address the need of beneficiaries for whom regular CHAMPUS benefits are limited by the custodial care exclusion and other restrictions contained in the law and CHAMPUS regulations.

Medical and dental care for certain incapacitated dependents (sec. 706)

The Senate amendment contained a provision (sec. 714) that would provide medical and dental coverage under CHAMPUS to unmarried children who are incapable of self-support because of a mental or physical incapacity and who become the dependents of a member or former member.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would limit the coverage of this provision to dependents who are under 23 years of age, enrolled in a full-time course of higher learning, and mentally or physically incapacitated.

National claims processing center study (sec. 711)

The Senate amendment contained a provision (sec. 712) that would establish a national claims processing system for CHAMPUS, to be fully implemented within five years. This national system would facilitate the electronic transmission of claims and billing functions throughout CHAMPUS.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would specify that the system could be procured through single or multiple contracts, and permit the procurement to proceed on a unitary or incremental basis. It would extend the time period for full implementation from five to seven years.

Conditions on expansion of CHAMPUS reform initiative to other locations (sec. 712)

The House bill contained a provision (sec. 634) that would prohibit the expansion of the CHAMPUS reform initiative beyond its current boundaries of California and Hawaii, except in base closure areas, until at least 90 days after the Secretary of Defense certifies that such expansion is the most cost-effective option to providing care in the expansion areas. The House provision would require that, not later than 30 days after the Secretary submits his certification, the General Accounting Office (GAO) and the Congressional Budget Office (CBO) shall jointly submit a report evaluating the certification.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the intent of the conferees that the evaluation of any future expansion of the CRI to other locations should also include considerations of accessibility and quality of care.

Alternative health care delivery methodologies (sec. 713)

The Senate amendment contained a provision (sec. 713(a) and (b)) that would require the Department of Defense to make a number of modifications to the coordinated care program. This provision would extend the life of the current CHAMPUS reform initiative demonstration in California and Hawaii, and require the contract to be submitted to a competitive process.

Additionally, this provision would require the Department to continue to test a broad array of military health reform options for the next four years. This should include, but not be limited to, the Department of Defense's CHAMPUS reform initiative, CHAMPUS, and the catchment area management and coordinated care program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Managed health care network for Tidewater region of Virginia (sec. 714)

The House bill contained a provision (sec. 635) that would reaffirm section 712(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directing the Defense Department to undertake a managed health care program, not later than September 30, 1992, in the Tidewater region of Virginia based on the catchment area management (CAM) demonstration project underway in a number of locations, including Charleston, South Carolina.

The Senate amendment contained no similar provision.

The Senate recedes.

Positive incentives for coordinated care program (sec. 715)

The House bill contained a provision (sec. 636) that would direct the Secretary of Defense to modify the "Policy Guidelines on the Department of Defense Coordinated Care Program," issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide incentives or "carrots" to beneficiaries of the military health care system who enroll in the coordinated care program. These incentives would include a reduction in CHAMPUS deductibles and co-payments; reduced cost-sharing requirements for primary care; and the expansion of benefits currently authorized under the CHAMPUS program.

The Senate amendment contained a similar provision (sec. 713(c)).

The Senate recedes with a technical amendment.

Managed-care delivery and reimbursement model (sec. 716)

The House bill contained a provision (sec. 640) that would exempt the participation agreement negotiated between a uniformed services treatment facility and the Secretary of Defense from the Federal Acquisition Regulations required by the Office of Federal Procurement Policy Act (41 U.S.C. 4219c)).

The Senate amendment contain no similar provision.

The Senate recedes.

Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm (sec. 721)

The House bill contained a provision (sec. 632) that would correct the inadvertent exclusion of dependents of members who served and were killed in the Persian Gulf war, members who served in the Persian Gulf war and subsequently died; or members who served in the Persian Gulf war and subsequently retired, from receiving the authorized delay in the increase of the CHAMPUS outpatient deductible for CHAMPUS beneficiaries for care provided on or after April 1, 1991. Section 712 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) authorized an increase in the CHAMPUS outpatient deductible which was then delayed until October 1, 1991 by the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25).

The House provision would also authorize the Secretary of Defense to provide reimbursement or credit against future deductible requirements for the affected beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Military health care for persons reliant on health care facilities at bases being closed and realigned (sec. 722)

The Senate amendment contained a provision (sec. 704) that would require the Department of Defense to solicit input from the active duty dependents and retirees and their survivors who will be affected by the closure or realignment of a base that houses a military treatment facility at which they receive their health care.

The House bill contained no similar provision.

The House recedes. The conferees are concerned about reports that in some areas in which a base is being closed or realigned, the Department is closing the base health care facility prior to closure or realignment of the base, and prior to implementing a managed care delivery system or contracting with a health insurance plan to provide needed services to beneficiaries. Failure to implement a managed care alternative in a timely fashion could increase the cost of medical care to the Department in these areas. Addi-

tionally, the access of beneficiaries to entitled care is threatened. The conferees believe the Department has an obligation to implement a replacement health care delivery system or contract with a health insurance plan before closing a base health care facility.

Comprehensive study of the military medical care system (sec. 723)

The Senate amendment contained a provision (sec. 711) that would require, as part of the study mandated by section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), the federal employee health benefits program to be studied to determine whether designing a similar program for military dependents and retirees would be cost-effective and provide for the health coverage needs of dependents and retirees (including those over age 65).

The House bill contained no similar provision.

The House recedes.

Annual beneficiary survey (sec. 724)

The Senate amendment contained a provision (sec. 706) that would require the Department of Defense to conduct an annual, formal satisfaction survey of those utilizing the military medical system.

The House bill contained no similar provision.

The House recedes.

Risk-sharing contract study (sec. 725)

The Senate amendment contained a provision (sec. 710) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to study the feasibility and develop an implementation plan for a demonstration project to track the current Medicare managed care risk contract.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding health care policy for the uniformed services (sec. 726)

The Senate amendment contained a provision (sec. 703) that would express the sense of Congress regarding the current and future direction of the military health care system.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Preemption

The conferees believe the advent of contracting for managed care services within the Department of Defense health care system is a positive step toward assuring both government and military beneficiaries cost-effective, quality-controlled programs for health care delivery. The conferees have become concerned, however, about the potential cost and complexity of the layers of federal, state, and local laws and regulations on contracts that include more than one state. Next year, the conferees plan to review the question of whether some federal standards should be developed in this area that could create some continuity. Accordingly, the conferees hope that the Department of Defense would start to review this issue in preparation for next year's budget hearings.

Guidelines for managed care

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directed the Department of Defense to study the entire DOD health care system and to report to the congressional defense committees. Section 733 called for an assessment of the qualifications of the personnel involved in CHAMPUS mental health utilization review, an evaluation of the actions taken to ensure that reviewers have no financial conflict of interest, and an evaluation of the adequacy of the existing appeals process.

The conferees note that the survey and report are expected to take a long time to produce. They hope the Department of Defense would initiate, by January 1, 1993, proposed regulations aimed at achieving actual improvement in these and related areas of consumer protection.

The conferees expect the Department of Defense to develop standards that will ensure and promote the delivery of quality health care and to foster greater coordination among health care providers that participate under this program. The standards should also protect patients by ensuring that the reviewing professionals are qualified to perform utilization review and managed care activities, and are licensed and competent in the area of care needed by the consumer.

Such standards should include a requirement that neither the providers nor any reviewing professional or agent have any financial incentive in the outcome of the prescribed treatment methodology followed.

Partial hospitalization under CHAMPUS

The conferees believe it is critical that a wide range of mental health options be available to CHAMPUS beneficiaries, so that services can be received in the most appropriate and cost-effective setting.

The conferees believe that partial hospitalization is an important benefit to bridge the transition from inpatient to outpatient care in order to ensure that there is no disruption in the continuity of care for beneficiaries. The conferees intend to continue to closely monitor the Department of Defense implementation of this program, including the determination of reasonable reimbursement rates.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Codification and amendments to section 1207 (sec. 801)

The House bill contained a provision (sec. 801) that would extend the five percent goal program for the award of DOD contracts and subcontracts to small disadvantaged businesses, historically Black colleges and universities, and minority institutions through fiscal year 2000 (section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661)). In addition, this provision of law would be codified as section 2323 of title 10, United States Code.

The Senate amendment contained a provision (sec. 814) that would extend the program through fiscal year 2000 and require the establishment of a process to review claims that the use of SDB set-asides has caused an industry category to bear a disproportionate share of the progress toward the goal.

The Senate recedes with a technical amendment.

The conferees agree to consolidate all section 1207-related provisions into a single section. The additional codified provisions are: (1) section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180); and (2) section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189).

Provisions relating to small businesses and small disadvantaged businesses (sec. 802)

The House bill contained a provision (sec. 802) that would: (1) apply the "non-manufacturer rule" to the program established by section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661); and (2) require the Secretary of Defense to issue regulations to ensure prime contractors comply with existing subcontracting requirements and make subcontracting plans a factor in the contract award process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The Defense Department has advised the conferees that it has developed a proposed regulation concerning the non-manufacturer rule. However, DOD has delayed issuance of this rule at the request of the Small Business Administration, which also intends to publish a rule on this subject. The conferees direct the Secretary of Defense to immediately issue a proposed regulation for comment on the non-manufacturer rule.

The conferees are concerned that subcontract awards by DOD prime contractors to small business concerns (including small disadvantaged businesses) declined 5.3 percent in fiscal year 1991 compared to the preceding year. The regulations required by this provision are intended to ensure that this decline does not become a trend and that the Department and its prime contractors enforce and comply with existing subcontracting plan requirements.

The conferees direct the Secretary to conduct a prompt review of DOD and prime contractor efforts to increase subcontract awards to small businesses and small disadvantaged businesses and to propose additional strategies to increase such awards. The results of this review should be reported to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993.

Under current law (section 806 of the National Defense Authorization Act of Fiscal Years 1988 and 1989 (Public Law 100-180)), the Secretary is required to make the administration of small business subcontracting plans a factor in the evaluation of the performance of contracting officials. The conferees direct the Secretary to take the appropriate steps to ensure that this requirement is fully enforced.

Funding for defense research by historically Black colleges and universities and minority institutions (HBCU/MI) (sec. 803)

The Senate amendment contained a provision (sec. 814) that would authorize $15.0 million for the HBCU/MI infrastructure assistance program established in section 832 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

The House bill contained no similar provision.

The House recedes.

Small Business Administration certificate of competency program (sec. 804)

The Senate amendment contained a provision (sec. 811) that would modify the Small Business Administration (SBA) certificate of competency program as it affects the defense acquisition process.

The House bill contained no similar provision.

The House recedes with an amendment that would require: (1) DOD contract solicitations to advise small businesses of their right to request the Small Business Administration to review a contracting officer's determination that such business is "nonresponsible" to perform a contract; and (2) the contracting officer to notify such business in writing of a "nonresponsibility" de-

termination and of the right to request the SBA review. The provision would sunset at the end of fiscal year 1995.

Extension of program for the negotiation of comprehensive small business subcontracting plans (sec. 805)

Section 834 of the National Defense Authorization Act for Fiscal Years 1990/1991 (Public Law 101-189) authorized DOD and approved prime contractors to negotiate subcontracting plans on a division- or company-wide basis. This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 812) that would extend this program through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Extension of test program of contracting for DOD printing services (sec. 806)

Section 843 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456) established a program authorizing the Public Printer to limit competitions to small disadvantaged businesses (SDBs) for defense printing services. The Defense Department may count such awards towards the five percent goal for awards to SDBs under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661). This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 813) that would extend this program through fiscal year 2000.

The House bill contained no similar provision.

The House recedes.

Pilot mentor-protégé program (sec. 807)

The Senate amendment contained a provision (sec. 815) that would authorize $55.0 million for the pilot mentor-protégé program established under section 831 of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101-189). The Senate provision would also require the Department of Defense to publish and maintain any Department policy relating to the program in the defense federal acquisition regulations. The Senate provision also would make changes to strengthen the mentor protégé program as it relates to the Small Business Act on: (1) findings of affiliation or control; (2) assistance under the Small Business Administration's section 8(a) program; and (3) review of any mentor protégé agreement.

The House bill contained no similar provision.

The House recedes.

Codification of recurring provision relating to subcontracting with certain nonprofit agencies (sec. 808)

The Senate amendment contained a provision (sec. 1052) that would codify section 8082 of the Department of Defense Appropriations Act for Fiscal Year 1992 (Public Law 102-172) and encourage eligible DOD prime contractors to subcontract with Javits-Wagner-O'Day (JWOD) entities by allowing such contractors to credit purchases from JWOD entities towards their small business subcontract plan goals.

The House bill contained no similar provision.

The House recedes.

Expansion and extension of authority under major defense acquisition pilot program (sec. 811)

Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) authorized the Department of Defense to nominate six major acquisition programs for participation in a pilot program intended to determine the potential for "increasing the efficiency and effectiveness of the acquisition process" by waiving or limiting the application of certain specified statutory requirements. This authority expires on September 30, 1992.

The House bill contained a provision (sec. 814) that would extend the authorization for the pilot program to September 30, 1995. The House bill also would expand eligibility under the program to include non-major acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Acquisition workforce improvement (sec. 812)

The House bill contained a provision (sec. 815) that would make a number of changes in the legislation established by the Defense Acquisition Workforce Improvement Act (title XII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190)). The provision would: (1) provide that the first statutory 5-year reviews of individual assignments to critical positions under 10 U.S.C. 1734(e)(2) are not required to be undertaken until after October 1, 1995, although the Defense Department may undertake such a review as a matter of discretion before that date; (2) waive the minimum assignment period in 10 U.S.C. 1734(b) for deputy program managers who receive a subsequent acquisition assignment; (3) authorize DOD, until October 1, 1997, to determine that an individual has fulfilled the requirements for mandatory training on the basis of demonstrated competence in the areas that would otherwise require specific training under 10 U.S.C. 1723, 1724, and 1735; (4) modify the experience requirement for deputy program managers under 10 U.S.C. 1735(b)(3) to require six years of experience for major programs and four years for non-major programs; and (5) authorize the Secretary of Defense to prescribe equivalent training requirements in lieu of the business management and training requirements established by 10 U.S.C. 1732(b)(2)(B).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make it clear that a scholarship recipient under 10 U.S.C. 1744 may be offered a position in the excepted service notwithstanding subchapter I of chapter 33 of title 5, United States Code.

Certification of claims (sec. 813)

The House bill contained a provision (sec. 815) that would revise the law governing the certification of contract claims (10 U.S.C. 2410). The House provision also would waive the 18-month time limitation on the submission of shipbuilding claims under 10 U.S.C. 2405(b), with respect to claims originally submitted within the time period, if a claim was deemed insufficient due to the fact that the original certification was signed by the wrong individual.

The Senate amendment contained a similar provision (sec. 827) with respect to waiver of the 18-month time limit under 10 U.S.C. 2405(b) concerning shipbuilding claims deemed deficient solely due to the status of the individual who signed the original certification.

The House recedes with an amendment. Under the conference agreement, the Secretary of Defense would be required to propose regulations for inclusion in the Federal Acquisition Regulation to provide that: (1) a contract claim or related request for relief must be accompanied by the certification required under the Contract Disputes Act of 1978; and (2) the person who certifies the claim must be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request and knowledge of the claim or request. Upon publication of the regulations, 10 U.S.C. 2410 would be repealed. The conference agreement also would reflect the amendments proposed by the House bill and the Senate amendment concerning waiver of the 18-month time limit under the shipbuilding claims statute, 10 U.S.C. 2405(b).

The conferees note that current law has been viewed as an impediment to the adoption of a government-wide rule providing a single certification that would cover both statutes applicable solely to the Department of Defense and the Contracts Disputes Act. The conference agreement is intended to remove this impediment.

Deadline for report on rights in technical data regulations (sec. 814)

Section 807 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) required the Secretary of Defense to establish a government-industry committee to recommend a final regulation on rights in technical data. The provision required issuance of a new regulation by September 15, 1992, and established restrictions on the content of any interim regulations.

The House bill contained a provision (sec. 817) that would extend these requirements in view of delays in the establishment of the committee.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to establish single point of contact for information concerning persons convicted of defense contract-related felonies (sec. 815)

The House bill contained a provision (sec. 819) that would require the General Services Administration to maintain and publish a list of persons subject to the prohibitions in 10 U.S.C. 2408 concerning employment of persons convicted of defense contract-related felonies in certain positions by defense contractors.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the establishment of a single point of contact in the Department of Justice at which a contractor could promptly obtain information as to whether a person is subject to the prohibitions in 10 U.S.C. 2408.

Extension of program for use of master agreements for procurement of advisory assistance services (sec. 816)

The Senate amendment contained a provision (sec. 821) that would extend the test program for the use of master agreements to facilitate the competitive acquisition of advisory and assistance services through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Major defense acquisition program reports (sec. 817)

The Senate amendment contained a provision (sec. 822) that would incorporate certain changes in the selected acquisition reports (SAR) required by section 2432 of title 10, United States Code. These changes were requested by the Defense Department and

would clarify the content of the information in the SAR reports and facilitate the administration of the SAR process.

The House bill contained no similar provision.

The House recedes.

Allowable costs (sec. 818)

The Senate amendment contained a provision (sec. 830) that would amend 10 U.S.C. 2324 to: (1) clarify that a contractor will be charged a penalty only if the cost has been expressly disallowed by regulation; (2) clarify that the amount of the penalty assessed is the amount of the disallowed cost that has been allocated to defense contractors; (3) delete the authorization for DOD to assess an additional $10,000 penalty (in addition to a regular penalty of the amount mischarged plus interest or a double penalty if submitted the cost before); and (4) authorize DOD to waive the penalty if the contractor withdraws the submission prior to a DOD audit, or if the amount is insignificant.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to issue regulations providing for the waiver of a penalty if the contractor demonstrates, to the contracting officer's satisfaction, that it has established appropriate policies, personnel training, an internal control and review system that provide assurances that unallowable costs are not included in the contractor's proposal, and that the unallowable costs were included by mistake. The conferees note that the purpose of the penalty provisions in 10 U.S.C. 2324 is to ensure that contractors, rather than the government, bear the burden of assuring that contractor submissions for reimbursement of costs on government contracts do not include unallowable costs.

Clarification of rules governing advisory and assistance services for operational testing (sec. 819)

The Senate amendment contained a provision (sec. 832) that would amend 10 U.S.C. 2399 to make it clear that an organization that has acted as the government representative in testing activities is not subject to the same restrictions that apply to those which have acted on behalf of a contractor.

The House bill contained no similar provision.

The House recedes.

Regulations changing military department participation in joint acquisitions (sec. 820)

The Senate amendment contained a provision (sec. 833) that would require the Secretary of Defense to prescribe regulations that would prohibit military departments participating in joint acquisition programs from unilaterally terminating or substantially reducing participation in the joint program without approval of the Under Secretary of Defense for Acquisition.

The House bill contained no similar provision.

The House recedes.

Competitive prototyping (sec. 821)

The House bill contained a provision (sec. 1055) that would require the Department of Defense to use a competitive prototyping acquisition strategy on all major system developments unless the Secretary of Defense granted a waiver and provided a report to Congress.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would allow the Under Secretary of Defense for Acquisition to grant the waiver when a written justification is submitted explaining why use of competitive prototyping is not practicable, including cost estimates comparing the total program cost of the acquisition strategy with and without competitive prototyping.

Repeal of procurement limitation on typewriters (sec. 831)

The House bill contained a provision (sec. 811) that would repeal 10 U.S.C. 2507(c), which prohibits the purchase of manual typewriters or components from Warsaw Pact countries. The collapse of the Warsaw Pact makes the original provision obsolete.

The Senate amendment contained a similar provision (sec. 806(c)).

The Senate recedes.

Procurement limitation on ball bearings and roller bearings (sec. 832)

The House bill contained a provision (sec. 812) that would prohibit the Defense Department, during fiscal years 1993, 1994, and 1995, from procuring ball bearings or roller bearings that are not produced in the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the House provision is consistent with the terms of the existing prohibition in the Defense Federal Acquisition Regulation Supplement.

Restriction on purchase of sonobuoys (sec. 833)

The Senate amendment contained a provision (sec. 834) that would prohibit the Defense Department from procuring sonobuoys manufactured in a foreign country unless U.S. sonobuoy manufacturers are permitted to compete on an equal basis with foreign firms for the sale of sonobuoys in that foreign country.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Debarment of persons convicted of fraudulent use of "Made in America" labels (sec. 834)

The House bill contained a provision (sec. 821) that would require the Secretary of Defense to debar a person from contracting with the federal government for at least 3 years but not more than 5 years if the person had been convicted of fraudulently affixing "Made in America" labels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to determine whether a person convicted of fraudulently affixing "Made in America" labels should be debarred from contracting with the Defense Department. If the Secretary determined that the person should be debarred, the Secretary would have to submit to Congress a report on such a determination.

Foreign investment in the United States (secs. 835–838)

The House bill contained a provision (sec. 1071) that would require the President to prohibit a merger, acquisition, or takeover subject to an investigation under section 721(a) of the Defense Production Act of 1950 unless the Secretary of Defense certified to Congress that the merger, acquisition, or takeover would not pose a significant risk of diversion of sensitive U.S. defense technology of a foreign firm or government and would not otherwise harm U.S. national security interests.

The Senate amendment contained three provisions (secs. 824, 825, and 838) that would affect foreign investment in the United States. Section 824 would prohibit the purchase of certain U.S. defense contractors by an entity controlled by a foreign government. Section 825 would prohibit the award of certain DOD and Energy Department national security contracts to companies owned by an entity controlled by a foreign government. Section 838 would make several changes to section 721 of the Defense Production Act (the so-called Exon-Florio amendment).

The House recedes to section 824 of the Senate amendment with an amendment that would delete paragraphs (1) and (2) of subsection (b). As a result, the prohibition on the purchase of certain U.S. defense contractors by an entity controlled by a foreign government would not apply if the purchase were not suspended or prohibited pursuant to section 721 of the Defense Production Act.

The House recedes to section 825 of the Senate amendment.

The Senate recedes to section 1071 of the House bill with an amendment. The purpose of the amendment is to direct the Defense and Energy Departments to develop a data base helpful to the Committee on Foreign Investment in the United States (CFIUS), the inter-agency committee that reviews foreign investment cases under section 721 of the Defense Production Act.

The amendment consists of the following requirements: (1) the Secretary of Defense and the Secretary of Energy shall collect and maintain a data base on certain contractors which are controlled by foreign persons; (2) the Secretaries of Defense, Energy, and Commerce shall submit to Congress an annual report on aspects of foreign investment in U.S. defense firms; and (3) in certain circumstances, the appropriate DOD intelligence agency or agencies shall assess the risk of diversion of defense critical technology posed by a CFIUS case.

The House recedes to section 838 of the Senate amendment with an amendment that would make the following changes to section 838 (all of the following references to subsections of section 721 of the Defense Production Act are to the subsections as they would be redesignated by the conference agreement): (1) make a technical change in the new subsection (b); (2) specify that the report the President is required to transmit to Congress by redesignated subsection (g) shall be consistent with the confidentiality requirements of redesignated section 721(c); (3) add a new subsection (j) that would amend section 721 to require that, in any Exon-Florio case in which a designee of the President performs a technology risk assessment, the assessment shall be provided to any other designee of the President responsible for reviewing Exon-Florio cases; and (4) delete the requirement for an intelligence study.

Under current law, if the President decides to take an action pursuant to redesignated subsection (d), redesignated subsection (g) requires the President to transmit immediately a written report to Congress of the action the President intends to take, including a detailed explanation of the findings made under redesignated subsection (e).

The conference agreement would amend redesignated subsection (g) to require the President to submit to Congress a written report in every case in which the President makes a determination of whether or not to take an action under redesignated subsection (d), including a detailed explanation of the findings made under redesignated subsection (e) and the factors considered under redesignated subsection (f).

Since the enactment of section 721 as part of the Omnibus Trade and Competitiveness Act of 1988, over 700 cases have been notified. Of those cases, only nine have gone to the President for a determination. In only one of those cases has the President decided to take an action. As a result, the President has been required to submit a report to Congress explaining his action in only one case. The conferees believe that any case that requires a determination by the President is of sufficient importance to require a written report by the President explaining in detail the basis for his action. Such reports are not intended to establish precedents under the Exon-Florio amendment since each case is unique. However, the reports will help Congress and the public develop an understanding of the policies underlying Presidential determinations, and hold the President accountable for actions under the Exon-Florio amendment.

The conferees intend that the President is to include in the report required by redesignated subsection (g) a description of any requirements requested from or assurances given by the parties to any merger, acquisition, or takeover. Section 721 gives the President broad powers to "take such action for such time as the President considers appropriate."

The conference agreement retains subsection (b) of section 838 that would amend redesignated section 721(f) by adding two considerations to the three considerations now in the law for deciding whether a takeover affects the national security. The first new consideration concerns the potential effects of a proposed or pending transaction on sales of military goods, equipment, or technology to any country identified by the Secretary of State under the Export Administration Act as a country that supports terrorism, as a country of concern regarding missile proliferation or the proliferation of chemical and biological weapons, or is listed under the Nuclear Non-Proliferation Act of 1978 on the nuclear non-proliferation special country list. The second new consideration added by subsection (b) of section 838 would permit the President to consider as a factor in making his decision "the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security."

Finally, the conferees note that, as used in paragraph (1) of redesignated section 721(e), the term "credible evidence" may not be construed to require that before a review or investigation may be undertaken or before the President may take action under redesignated subsection (d) there has to be an allegation that a person who would be subject to such review or investigation committed an illegal act.

Limitation on sale of assets of certain defense contractor (sec. 839)

The House bill contained a provision (sec. 818) that would require any Defense Department contract with the LTV Aerospace and Defense Company to prohibit the company from selling any of its assets to any entity unless the entity agreed to assume all the company's liabilities to its retired employees.

The Senate bill contained no similar provision.

The Senate recedes.

Advance notification of contract performance outside the United States (sec. 840)

The Senate amendment contained a provision (sec. 829) that would require firms that are bidding for or performing certain DOD contracts to notify the Defense Department in advance of any intention to perform outside the United States any part of the contract (1) that exceeds $500,000 in value, and (2) that could be performed inside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would make technical changes to the Senate provision.

Acquisition fellowship program (sec. 841)

The Senate amendment contained a provision (sec. 831) that would authorize the Department of Defense to offer up to 25 science and technology fellowships as incentive to recruit or retain high caliber personnel to government service. These fellowships would permit an individual, after completing at least two years of government service, to engage in research and teaching in a field related to government science and technology policy for a period of up to two years.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Purchase of Angolan petroleum products (sec. 842)

The Senate amendment contained a provision (sec. 836) that would specify that section 316 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) shall cease to be effective when the President certifies to Congress that free, fair, and democratic elections have taken place in Angola after September 1, 1992. Section 316 prohibited the Defense Department from purchasing Angolan petroleum products from companies producing petroleum products in Angola.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs (sec. 843)

The Senate amendment contained a provision (sec. 828) that would authorize the Defense Department to pay its share of an international armaments cooperation program's claims in accordance with the program's cost-sharing formula or in accordance with any other equitable formula that is negotiated by the participants.

The House bill contained no similar provision.

The House recedes with an amendment that would provide this authority for two years.

The conferees understand that this authority is necessary to allow the United States to enter into cooperative project agreements with NATO or its member countries providing for the shared liability of the cooperative agreement countries for third party liability claims that arise out of actions of the participants in the performance of their official duties. In addition, the conferees understand that the shared liability agreement will provide for sharing in accordance with the ratio of support the member country provides for the program, irrespective of the nationality of the individual against whom the claim arose, or where the cause of action arose. Thus, for example, if a U.S. employee of a multinational program office is in an automobile accident in the United States, in the course of official business, the claim will be paid by all of the multinational program participants, in the proportion in which they support the program. Because this is a change in the way the United States has traditionally treated third-party claims on multinational programs, this authority would be provided for two years only. At that point, the conferees expect to evaluate the experience utilizing this approach and determine whether to extend this authority.

LEGISLATIVE PROVISIONS NOT ADOPTED

Clarification of calculation of contract goal

The House bill contained a provision (sec. 803) that would clarify that DOD is required to report progress toward meeting the five percent goal established in section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) in terms of the aggregate award of prime contracts and subcontracts to specified entities.

The Senate bill contained no similar provision.

The House recedes.

Procurement limitation on fuel cells

The House bill contained a provision (sec. 813) that would prohibit the Defense Department during fiscal year 1993 from procuring fuel cells that are not produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

At the time of passage of the House bill, the General Accounting Office (GAO) was reviewing whether purchases by the Air Force of synthetic fabric fuel tanks for installation in aircraft violated the Berry Amendment provisions of Department of Defense appropriations acts and implementing regulations. The House provision was intended to provide GAO adequate time to complete its review and for the Department of Defense to implement any GAO recommendations.

On July 31, 1992, the GAO issued a decision that the Berry Amendment does apply to the Air Force's purchases of fuel cells for H-53 and H-3 helicopters. The conferees understand that the Defense Department intends to abide by the GAO decision and to restrict future purchases of such fuel cells to U.S. manufacturers. Indeed, in an award made in early August 1992, the Navy abided by the GAO decision and awarded a contract to an American firm, rather than a foreign firm. In light of the Defense Department's plan to buy only U.S.-made fuel cells, the conferees agree that the House provision may be unnecessary at this point in time.

The Berry Amendment, which has been included in Department of Defense appropriations acts since 1941, requires the Department of Defense to buy domestically produced goods in certain instances. In 1968, synthetic fabric and coated synthetic fabric were added to the list of protected items under the Berry Amendment. Despite a 1989 GAO ruling to the contrary, the Department of Defense General Counsel has stated the Berry Amendment did not apply to the purchase of fuel cells.

However, the conferees note that the Senate report (S. Rept. 102-154) accompanying the fiscal year 1992 defense appropriations bill indicated that the Berry Amendment restriction was intended to apply to synthetic fabric fuel containers for military aircraft. Based on congressional intent and the GAO ruling, the conferees direct the Department of Defense to abide by the Berry Amendment in its purchases of synthetic fabric fuel cells.

Independent cost accounting in the Department of Defense

The House bill contained a provision (sec. 820) that would require the Secretary of De-

fense to take such actions as necessary to strengthen independent cost accounting in the Department of Defense, including correction of deficiencies identified in report number 92-028, issued by the Inspector General of the Department of Defense on December 30, 1991.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Secretary of Defense should take aggressive action to strengthen independent cost accounting in the Department of Defense. Such action should include correcting the deficiencies identified in the Inspector General's report, enhancing the capability of the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense, focusing the activities of the CAIG on the performance of independent cost estimating functions, ensuring close adherence within the Department of Defense to DOD regulations with respect to independent cost estimates that implement 10 U.S.C. 2434, and limiting the participation of any firm that has a contract with the program office of a defense acquisition program (or that is a prime contractor or subcontractor on such a program) in the preparation of an independent cost estimate with respect to that program. In addition, the Secretary should consider assigning the Army Cost and Economic Analysis Center, the Navy Center for Cost Analysis, and the Air Force Cost Center and Independent Cost Analysis Program to the Assistant Secretary for Financial Management of the military department concerned.

Although the conferees believe that legislation is not required at this time, the conferees will propose such legislation in 1993 if prompt and effective action is not taken to strengthen the independent cost accounting function in DOD in the manner described in this statement of managers.

Shipbuilding total program reporting

The Senate amendment contained a provision (sec. 835) that would require the Navy to include a better estimate of shipbuilding total program quantities in its official reports to Congress. The Navy has interpreted the existing law to require that it report only those ships included in the Future Years Defense Program (FYDP), or perhaps a year or two beyond that.

The House bill contained no similar provision.

The Senate recedes.

The conferees are interested in receiving more complete reports of the Navy's intentions for major shipbuilding programs. Having a full perspective is critical to making informed judgments about future programs.

The conferees strongly believe that reports on shipbuilding programs should reflect the total program planned by the Navy and that such reports are required under current law. The conferees direct the Navy to change its reporting on shipbuilding programs to include the real total ship program, as defined in the cost and operational effectiveness analysis supporting milestone decisions, operational requirements documents, or other program planning documentation.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Report of the Chairman of the Joint Chiefs of Staff on roles and missions of the armed forces (sec. 901)

The House bill contained a provision (sec. 905) that would require the Secretary of Defense to submit to Congress the triennial report of the Chairman of the Joint Chiefs of Staff on roles and missions, along with the Secretary's reassessment of the historic roles and missions assigned to the armed forces.

The Senate amendment contained a provision (sec. 901) that would require the Chairman's report on roles and missions, together with the views of the Secretary of Defense, to be submitted to Congress. The provision would also expand the Chairman's report to require comments and recommendations by the Chairman in certain areas.

The House recedes with an amendment that would ensure that effectiveness is not unduly diminished for the sake of efficiencies and require the Chairman to reassess the current assignment of roles and missions to the armed forces.

Sense of the Congress on cooperation between the United States Army and the United States Marine Corps (sec. 903)

The Senate amendment contained a provision (sec. 903) concerning cooperation between the Army and the Marine Corps in certain roles and missions.

The House bill contained no similar provision.

The House recedes with an amendment.

National Guard/reserve component operational support airlift study (sec. 904)

The Senate amendment contained a provision (sec. 913) that would direct the Secretary of Defense to survey the operational support and administrative transport airlift aircraft operated by the reserve components in order to develop a modernization roadmap.

The House bill contained no similar provision.

The House recedes.

Vice Chairman of the Joint Chiefs of Staff (sec. 911)

The Senate amendment contained a provision (sec. 902) that would provide for the Vice Chairman to be a full member of the Joint Chiefs of Staff with the same rights as the Service Chiefs, including the right to provide advice in disagreement with or in addition to the advice of the Chairman.

The House bill contained a provision (sec. 901) that would provide for the Vice Chairman to be a member of the Joint Chiefs of Staff but would specify that the Vice Chairman is subject to the direction and control of the Chairman, would not allow the Vice Chairman to provide advice in disagreement with or in addition to the advice of the Chairman, and would not allow the Vice Chairman to have a formal vote.

The House recedes.

Application of definition of principal course of instruction at the Armed Forces Staff College (sec. 921)

The House bill contained a provision (sec. 921) that would change the implementation date for all Phase II joint professional military education courses at the Armed Forces Staff College from October 31, 1993 to January 1, 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Test program for reserve officer professional military education (sec. 922)

The House bill contained a provision (sec. 922) that would direct the Secretary of the Army to design and implement a test program that would enable reserve officers to attend nonresident military education courses in a paid drill status.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to draft a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army who are unable to attend such courses in a full-time duty status. The Secretary would submit a report to the Congress that would outline a concept of the most effective approach for testing and evaluating the plan and would identify any legislative changes required to implement the test.

Civilian faculty members of the Defense Foreign Language Center (sec. 923)

The House bill contained a provision (sec. 924) that would provide the Secretary of the Army the same authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is allowed for civilian faculty members in other senior professional military schools. This authority would enhance the Defense Language Institute's ability to retain high quality instructors, and to establish a faculty structure consistent with the civilian academic environment. The provision would also authorize the Secretary of Defense to use the Foreign Language Center to train linguists participating in counter-drug activities and require a report on technologies to enhance automated translation capabilities.

The Senate amendment contained a similar provision (sec. 1044).

The Senate recedes with an amendment that would delete the provision relating to the use of the Foreign Language Center for counter-drug training and the report on technologies to enhance automated translation capabilities. These matters are discussed further in the section of this statement of managers relating to title X of this act.

Certifications relating to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Special Operations Command (sec. 931)

The Senate amendment contained a provision (sec. 905) that would require the Secretary of Defense to certify to the congressional defense committees that (1) all the duties and functions specified in law, the Unified Command Plan, and DoD directive 5138.3 for the U.S. Special Operations Command and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict have been assigned to those organizations, and (2) the Command and the Office of the Assistant Secretary have been authorized the number of personnel necessary to perform their duties and functions.

The House bill contained no similar provision.

The House recedes.

Joint officer personnel policy (sec. 932)

The Senate amendment contained a provision (sec. 906) that would amend the joint officer management provisions of title 10, United States Code, in several ways. It would extend for five additional years the nuclear propulsion officer exemption and the authority to waive the joint duty assignment requirement for promotion to flag or general officer rank in the case of an officer who served at least a year in an equivalent joint duty assignment. The provision would also allow the substitution of a masters or higher degree for completion of a program at a joint professional military education school; would change the definition of a full tour of duty; and would allow credit for a full joint

tour for an assignment within an officer's own military department or in an assignment outside such department, but not in a joint duty assignment, upon certification by certain designated officers.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to conduct a study to assess the appropriateness of the allocation of joint duty assignments and critical joint duty assignments, with particular emphasis on the defense agencies; to make adjustments in light of the study; and to submit a report to the Armed Services Committees of the Senate and House of Representatives containing the results of the study and any recommendations for legislative changes to provide for a waiver of the exclusion by law of consideration of an assignment within an officer's own military department as a joint duty assignment.

The conferees take note of the progress that has been achieved in increasing the exposure of nuclear propulsion officers to joint duty. There are now 92 nuclear propulsion officers in joint duty assignments as compared to 25 in 1986. Additionally, the percentage of nuclear propulsion officers eligible for flag selection who have completed full tours of duty in a joint duty assignment increased to 21 percent during 1991 (as compared to the original plan of 14 percent) and is projected to increase to almost 30 percent by 1994. The present exemption will expire at the end of calendar year 1993.

The conferees believe that more aggressive action is needed and request the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to develop and submit to the Armed Services Committees, no later than May 30, 1993, a five-year plan to increase the number of nuclear propulsion officers who will serve in joint duty assignments and to increase the percentage of such officers eligible for selection to flag rank who will have completed a full tour of duty in a joint duty assignment during the five-year period commencing on January 1, 1994. In conjunction with this plan, the Secretary is further requested to advise the Armed Services Committees of the maximum number of nuclear propulsion officers eligible for flag rank during each of the five years for whom a waiver of the requirements of section 619(e) of title 10, United States Code, might be required.

The conferees have reviewed the existing procedures, both statutory and regulatory, for the designation of a position as a joint duty assignment. The conferees believe that the time has come to reconsider the joint duty assignment list, particularly with respect to the defense agencies. The conferees took note of the General Accounting Office (GAO) report (B-232940) of February 15, 1990, and direct the Secretary to consider the GAO methodology in conducting this study. The conferees realize the decision to assign a 50 percent allocation of joint duty assignments to each defense agency was motivated by a number of factors, including the professional military education pipeline requirements relating to joint specialists, the promotion policy objectives of section 662 of title 10, United States Code, and the joint duty assignment prerequisite for promotion to general or flag officer of section 619 of title 10, United States Code. Nevertheless, the 50 percent allocation does result in some unfortunate results, and the conferees believe it is necessary to examine each joint duty assignment in the defense agencies to determine the correctness of existing designations within those agencies and if it would be appropriate to reallocate joint duty assignment percentages among those agencies. The conferees believe that the Secretary of Defense has sufficient authority under current law to correct any inequities in the allocation of joint duty assignments within and among the defense agencies, but encourage the Secretary to submit a recommendation for legislative change if he determines that it is necessary.

The conferees remain convinced that the decision to exclude assignments within an officer's own military department is correct as a general rule, but maintain an open mind as to whether a limited exception might be necessary for some assignments. The conferees are aware of some anecdotal information on this point, but the lack of a broad analytical effort precludes any decision on changes at this time. Consequently, the conferees have required the Secretary of Defense to conduct a survey of such positions and to recommend to the Congress whether the Secretary should be granted limited waiver authority to award joint duty credit for assignments within an officer's own Service.

Joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm (sec. 933)

The Senate amendment contained a provision (sec. 907) that would authorize the Secretary of Defense to grant joint duty credit to officers recommended by the Chairman of the Joint Chiefs of Staff who are deemed to have performed service in the Persian Gulf conflict that provided significant experience in joint matters or involved frequent professional interaction with units and members of another armed force or an allied armed force.

The House bill contained so similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to provide credit on a case-by-case basis for a full or partial tour of duty in a joint duty assignment to officers who served in the Persian Gulf combat zone in an assignment that is deemed by the Secretary to have provided significant experience in joint matters even though that service does not fall within the definition of "joint duty assignment" under current law. The Secretary would be responsible for establishing uniform criteria for the purpose of determining credit for such service and for determining if full or partial credit for such an assignment shall be granted. In establishing the criteria, the Secretary would also be required to ensure that such criteria not rely on including entire categories of officers as a method of determining eligibility. The conferees recognize the need for the criteria to establish boundaries of eligibility, but intend for the Defense Department to base such criteria on the merit of each individual officer's exposure to joint matters and not on distinctions of circumstance or position.

The conferees agreed to resolve a dilemma that has confronted them for two years by providing a limited suspension of the requirements of the Goldwater-Nichols Defense Reorganization Act to achieve the purposes intended by this provision. On the one hand, the conferees have been determined that personnel deserving joint duty credit for their service in Operation Desert Shield/Desert Storm receive it. The conferees realized, however, that it would not be possible for Congress to establish adequate criteria in law governing the award of full or partial joint credit. Therefore, the conferees determined that the Secretary of Defense is in the best position to establish fair and comprehensive criteria to guide the award process within the Department in a uniform manner.

On the other hand, the conferees have been concerned that setting aside the rigorous joint officer requirements of the Goldwater-Nichols Act risks creating a one-time opportunity for the circumvention of the Act's requirements by officers underserving of joint duty credit. The conferees categorically state that this outcome would be completely contrary to their intent. The conferees intend that the Secretary of Defense exercise the considerable discretion he is granted in this provision to establish a decision-making process within the Department that is judicious and fair, and that will result in credit for a full joint duty assignment only in those cases in which an officer truly has gained significant experience in joint matters.

The conferees also agree that, in determining the number of officers to receive Persian Gulf joint duty credit, the Secretary must work within certain valid limitations. The Secretary must safeguard the overriding needs of the Department to fill joint duty positions at each field grade and general/flag officer level from among the ranks of the most outstanding officers. The Secretary must ensure that officers with operational and support experience in the Persian Gulf war continue to move into appropriate joint positions. The Secretary must ensure that the promotion policy objectives for joint officers in section 662 of title 10, United States Code, and other applicable provisions of chapter 38 of that title can continue to be met.

After consulting with officials within the Office of the Secretary of Defense and the Joint Staff, the conferees are confident that a number of factors, including those identified above, will serve as a prudent and responsible restraint on the number of officers who receive joint duty credit under this provision. Accordingly, the conferees chose not to impose a statutory limit.

CINC's initiative fund (sec. 934)

The Senate amendment contained a provision (sec. 908) that would amend section 166a of title 10, United States Code, to enable the Chairman of the Joint Chiefs of Staff to propose activities involving countries not assigned to the responsibility of a combatant commander for funding through the CINC's initiative fund. The provision would also authorize funding for various purposes related to the expanding military to military contacts with the states of the former Soviet Union and Eastern Europe, would increase the limitation on funding for international military education and training to $5 million, and would increase the overall funding for the CINC's initiative fund.

The House bill contained no similar provision.

The House recedes with an amendment that would establish the limitation on funding for international military education and training at $2 million, of which no more than $1 million would be available for the states of the former Soviet Union and Eastern Europe, and would clarify other matters.

Organization of the Office of the Chief of Naval Operations (sec. 935)

The Senate amendment included a provision (sec. 904) that would require the Navy to establish a position of Assistant Chief of Naval Operations for Expeditionary Warfare and to fill that position with a lieutenant general from the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees note the reorganization of the Office of the Chief of Naval Operations (CNO) recently announced by the Secretary of the Navy. The Secretary's actions would restructure and reduce the size of the Office of the Chief of Naval Operations. The conferees are encouraged by the apparent progress that is being made in rationalizing the operations of the staff.

The conferees agree with the Secretary of the Navy that establishing a director for expeditionary warfare within the Office of the CNO would help bring a better focus to major problems confronting the Navy as it plans to conduct expeditionary operations in Third World situations. The conferees agree that the position should be filled by a major general from the Marine Corps and operate within the so-called "N8" section of the organization. The conferees recommend a provision that would accomplish these aims.

Grade of certain commanders of special operations forces (sec. 936)

The Senate amendment contained a provision (sec. 1056) that would require the commanders of the special operations commands within the U.S. Central and Southern Commands to be of general or flag officer grade.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that during the two-year period beginning on February 1, 1993, the special operations commanders within the U.S. Central and Southern Commands shall be of general or flag officer grade. The amendment would also require the Secretary of Defense to submit to Congress no later than March 1, 1994, a report explaining the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command.

The conferees agree to limit the Senate provision to a two-year period because of uncertainty over the effects of the drawdown in the number of general and flag officer positions. Nonetheless, special operations forces will grow increasingly important as regional contingencies and unconventional warfare come to dominate U.S. security concerns. Therefore, the conferees urge the Secretary of Defense to retain general or flag officers in the special operations positions covered by the Senate provision after February 1, 1995.

Report on assignment of special operations forces (sec. 937)

The House bill contained a provision (sec. 904) that would require the Secretary of Defense to submit a report to Congress no later than February 1, 1993 regarding the assignment of all active and reserve special operations forces stationed in the United States to the Special Operations Command. The report would delineate the peacetime command and control responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components, including establishment of training and readiness standards, military and civilian personnel management, programming and budget execution functions, and conduct of operational training.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Conduct and review of investigations in the Department of Defense

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to consolidate in the Defense Criminal Investigative Service the functions of the Army's Criminal Investigation Command, the Navy Investigative Service Command, and the Air Force Office of Special Investigations. The House bill also contained a provisions (sec. 903) that would repeal the statutes (10 U.S.C. 3020 and 8020) that require that the positions of deputies and assistants of the Inspectors General of the Army and Air Force be filled by military officers.

The Senate amendment contained a provision (sec. 911) that would require the Secretary of Defense to establish a Commission on the Management and Review of Department of Defense Investigations.

The House recedes with respect to its provisions and the Senate recedes with respect to its amendment.

The conferees agree that there is a serious problem in the conduct and review of investigations in the Department of Defense. The most recent example is the Navy's flawed inquiries into the incidents related to the 1991 Tailhook Symposium and the ensuing investigations. According to a report issued by the DOD Inspector General on September 21, 1992: "The principals in the Navy investigations erred when they allowed their concern for the Navy as an institution to obscure the need to determine accountability for the misconduct and the failure of leadership that had occurred. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91."

This is not a novel problem, and it is not confined to investigations into issues involving sexual assault and harassment. Two years ago, the Senate Armed Services Committee took note of the committee's hearings and inquiries into a number of DOD investigations, including the Navy's investigation of the USS *Iowa* explosion (S. Rept. 101-384). The committee expressed serious concern about the conduct of investigations, the review process, and standards and procedures relating to assessment of accountability. The House Armed Services Committee has expressed similar concerns with respect to investigations by each of the military departments into matters such as acquisition management and friendly fire incidents, as well as the *Iowa* and Tailhook matters.

The conferees note that as a general matter, the Department's investigative reports reflect the work of dedicated, skilled professionals. There have been significant matters, however, in which the conduct, management, and review of investigations have been deficient. Too often, these have pertained to allegations involving leadership and management failures.

The process of conducting and reviewing investigations within the Department of Defense involves unique challenges. The activities under investigation may be classified. The investigation may involve ongoing or recently completed operations involving highly sensitive national security concerns. The matters under investigation may pertain to the responsibility and accountability of the chain of command. Under the Uniform Code of Military Justice, offenses such as dereliction of duty, conduct unbecoming an officer, and conduct to the prejudice of good order and discipline can result in criminalizing actions, and failures to act, which in civilian society are treated as noncriminal personnel matters. Military officers in the chain of command, as well as the Service Secretaries, the Secretary of Defense, and the President, have unique powers under the Uniform Code of Military Justice to convene and review courts-martial. Because of these judicial powers, they must be particularly sensitive in the management and oversight of the Department of Defense, including its investigative functions, to avoid actions that could undermine the court-martial process through the taint of unlawful command influence.

The conferees note that both the House and Senate Armed Services Committees intent to give this matter detailed oversight consideration in the coming year, with a view toward determining the scope of legislation required to address the conduct and review of investigations within DOD.

The conferees also agree that the Secretary of Defense should conduct a prompt and vigorous review of the conduct and review of DOD investigations.

The conferees agree that the Secretary of Defense would benefit from receiving a broad range of advice on this matter, and recommend that the Secretary convene an advisory board comprised of present and past DOD officials who have had extensive experience in the conduct and review of investigations, as well as present and past officials with similar experience in other government agencies.

The Secretary should request such an advisory board to assess current state of affairs within the Department, and to provide him with advice and recommendations, with respect to the following matters: (1) the training and qualifications of investigative personnel; (2) the division of responsibilities among organizations with investigative, audit, and inspection functions within the Department of Defense; (3) the coordination of activities among such organizations; (4) the potential for savings, and for improvements in efficiency and effectiveness, through consolidation of functions or organizations; (5) procedures to ensure that such organizations are capable of, and responsive to, the needs of the unified commands, the defense agencies, and other joint organizations; (6) procedures to ensure prompt and thorough investigation of allegations concerning classified matters, operational matters, and the performance of persons in the chain of command; (7) procedures to ensure that investigative organizations are not subject to improper command influence while also ensuring that such organizations are responsive to the investigative and inspection needs of the chain of command; (8) procedures to ensure that there is timely and thorough coordination between organizations conducting investigations and officials within the chain of command who will be responsible for acting on the results of such investigations; (9) guidance as to the circumstances under which an investigative organization should withhold information about an investigation from the immediate chain of command, and present the information only to superior authorities; (10) procedures for ensuring a timely determination as to whether the investigation should be undertaken by a court of inquiry or other formal administrative board procedure; (11) procedures to ensure that the rights of individuals under the Uniform Code of Military Justice, administrative procedures, and other applicable laws and regulations are protected during the course of an investigation and subsequent review procedures; (12) guidance to ensure that military and civilian officials in the chain of command receive timely instruction and advice on the procedures for undertaking appropriate management actions during the course of an investigation

without interfering with the investigation or engaging in unlawful command influence; and (13) procedures to ensure that investigative materials are organized and presented in a manner that facilitates timely action by reviewing authorities.

Among other issues that such an advisory board could address are: (1) the appropriate chain of command for the Service investigative organizations; (2) whether the head of such organizations should be a military officer or civilian official; (3) if a military officer is so assigned, the rank of such officer; (4) the best command structure for these organizations; (5) whether fraud investigation responsibilities should be transferred to the Defense Criminal Investigative Service; (6) whether criminal investigation responsibilities should be consolidated into a DOD-wide criminal investigation bureau; (7) whether criminal investigations, procurement fraud, counterintelligence, technical services, and protective services should all be performed by the Service investigative organizations or should some or all of these missions be reassigned within the Services or consolidated at the DOD-level; (8) whether a DOD-level centralized technical services organization should be created; (9) whether allegations of homosexuality that do not involve homosexual acts should be investigated by criminal investigative organizations; (10) should special agents have a separate career path or should they be soldiers, sailors, or airmen first and special agents second; (11) should special agents be civilians, officers, or enlisted; (12) the appropriate number of special agents that are necessary to conduct general criminal investigations; and (13) the basic level of administrative support needed for the investigative function.

Sense of Congress expressing support for professional military education

The Hosue bill contained a provision (sec. 923) that would express the sense of the Congress concerning the importance of maintaining an effective professional military education system at a time of force reductions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the maintenance of an effective system of professional military education is increasingly important now that U.S. military forces are being reduced to the lowest levels since World War II. The conferees agree that the pressures generated by reductions in military forces should not be allowed to negate the actions taken by the Department of Defense in response to the recommendations contained in the April 21, 1989 report prepared by the Panel on Military Education of the House Committee on Armed Services. The conferees urge, as a matter of policy, the Secretary of Defense to continue efforts to maintain the quality of the schools of the professional military education system and the joint curriculum taught at these schools. The Secretary should make every effort to improve the quality and availability of professional military education courses for reserve officers who are unable to attend such courses while in the active service in order to ensure a continued source of qualified leaders for the reserve components.

The conferees also believe that it is very important for the Department of Defense to preserve its long-term investment in military graduate education. Post-graduate education and professional military education together constitute a strategic investment in the armed forces' future. They have been successful in producing the adaptable, flexible, problem-solving leadership that characterizes our armed forces today. To ensure that future military leaders are equally capable requires continued support of military graduate education.

Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters

The Senate amendment contained a provision (sec. 903) that would require the Chairman of the Joint Chiefs of Staff to establish the position and office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the office and position of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters in statute. However, the conferees agree with the intent of the Senate provision. Therefore, the conferees direct the Chairman of the Joint Chiefs of Staff to establish and staff an office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters. The conferees expect the position and supporting staff to be drawn from existing National Guard and reserve assets.

Deputy Assistant Secretary of Defense for Equal Opportunity

The Senate amendment contained a provision (sec. 909) that would require the Department of Defense to reestablish, from within existing resources, the office and position of Deputy Assistant Secretary of Defense for Equal Opportunity.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the position and office of Deputy Assistant Secretary of Defense for Equal Opportunity in statute. However, the conferees agree that such a position and office are necessary. Therefore, the conferees direct the Secretary of Defense to establish such a position and office within 60 days of the enactment of this act.

Delivery of legal services within the Department of Defense

On March 3, 1992, the Deputy Secretary of Defense issued a memorandum entitled "Ensuring Execution of the Laws and Effective Delivery of Legal Services." The memorandum addressed a number of issues, including the relationships among various legal organizations within the Department of Defense. As noted in the Senate report (S. Rept. 102–352), the March 3 memorandum was susceptible to interpretations that could disrupt important working relationships within the Department of Defense. On June 19, 1992, David S. Addington, during proceedings before the Senate Armed Services Committee on his confirmation to be General Counsel of the Department of Defense, provided important clarifying information in response to questions posed by the Committee. The Senate report observed that it was imperative that the Deputy Secretary's March 3 memorandum be either rescinded or revised to ensure consistency with the material in the June 19 response.

The Senate amendment contained a provision (sec. 910) that would direct the Secretary of Defense to either rescind or revise the March 3 memorandum.

The House bill contained no similar provision.

On August 14, 1992, the Deputy Secretary of Defense issued a new memorandum entitled "Ensuring Effective Execution of the Laws and Effective Delivery of Legal Services," which superseded the March 3 memorandum. The Deputy Secretary directed that the new memorandum be implemented in a manner consistent with Mr. Addington's June 19 response to the Senate Armed Services Committee.

The conferees agree that the information contained in Mr. Addington's June 19 response contained important clarifying information that necessitated revision of the Deputy Secretary's March 3 memorandum. In view of the Deputy Secretary's August 14 memorandum, and the direction to implement that memorandum in a manner consistent with Mr. Addington's June 19 response, the conferees agree that legislation is not necessary at this time. The Armed Services Committees of the Senate and House of Representatives will continue to monitor this situation closely to ensure that the Department maintains appropriate procedures for ensuring the effective execution of the laws and delivery of legal services, including procedures for airing and resolving differing views among legal organizations within DOD.

Continuing requirement for reporting on operational activities

The Senate amendment contained a provision (sec. 914) that would amend title 10, United States Code, to require the Department of Defense to keep the Committees on Armed Services of the Senate and House of Representatives fully and currently informed on all operational activities and require all federal departments, agencies, or independent establishments to furnish any information requested by these committees relating to such operational activities.

The House bill contained no similar provision.

The Senate recedes. The conferees have received assurances from the Secretary of Defense that the Committees on Armed Services will be kept advised of operational activities as a matter of comity and in a spirit of cooperation between the executive and legislative branches of the government. The conferees intend to revisit this issue next year in the light of the cooperation that the committees actually experience in the interim.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Restatement of requirement for mission budget (sec. 1002)

The Senate amendment contained a provision (sec. 1002) that would extend the requirement for an alternative defense budget that reflects roles and missions to the entire period covered by the Future Year Defense Program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees agree that the extant national military strategy should serve as a basis for the mission categories in the required future years mission budget.

The conferees reaffirm the statements in the Senate report (S. Rept. 102–352) regarding double-counting of forces for different missions, the meaning of contingency forces, and the integration of Guard and reserve forces and modernization costs into a mission structure. The conferees further reaffirm previous congressional guidance (H. Rept. 101–923) that appropriate mission categories include offensive and defensive stra-

tegic forces, heavy land forces, ground-based tactical air forces, mobility forces, power projection forces, sea control forces, special operations forces, and intelligence activities, and that a mission budget should allocate research and development funding to these categories to the maximum extent possible. The Defense Department should consider a separate category for elements of the Department of Defense that are not directly tied to primary missions, such as basic research or reserve forces in lower states of readiness that are not designated to support any particular mission.

Finally, the conferees agree that the allocation of each type of force to each unified and specified command should be included in the mission budget as well.

Treatment of certain "M" account obligations (sec. 1003)

The House bill contained a provision (sec. 1003) that would require the Secretary of Defense, prior to reobligating any sum in an "M" or merged account, to identify and cancel with the Treasury of the United States an equal sum from such account. The provision would also require the Secretary to provide notice of any such reobligation proposal in a sum greater than $10 million and to wait 30 days prior to effecting the reobligation.

The Senate amendment contained no similar provision.

The Senate recedes.

Additional transition authority regarding closing appropriation accounts (sec. 1004)

The Senate amendment contained a provision (sec. 1003) that would amend existing law to provide for the charge to current appropriations under certain specified conditions in the case of appropriations that expired at the end of fiscal years 1985 to 1992 in order to satisfy legitimate charges to contracts. The provision would limit the total amount of such charges to the lesser of one percent of the total appropriations of the current account or of the expired account and would require notice to the congressional defense committees and a wait of 30 days.

The House bill contained no similar provision.

The House recedes with an amendment that would condition such charges on the Secretary of Defense certifying that limits on expending obligating funds are being complied with and that violations are being reported to the President and Congress. If the Secretary is unable to make such certifications, he would have to submit a report to Congress setting forth the actions that will be taken to enable such certifications to be made.

FBI counterintelligence funding (sec. 1005)

The Senate amendment contained a provision (sec. 1063) that would provide that no funds are authorized to be appropriated under this act for the Federal Bureau of Investigation (FBI).

The House bill contained no similar provision.

The House recedes.

The conferees view the inclusion of funding for the FBI foreign counterintelligence program in the defense budget request as an inappropriate attempt to circumvent the budget summit agreement.

Classified annex (sec. 1006)

There is a classified annex of legislative provisions to this conference report. The classified annex is incorporated by reference into this act and has the force and effect of law. The classified annex is available to the Senate and House of Representatives during consideration of this conference report, and will be made available to the President at the time of presentment of this legislation.

East Coast homeports for nuclear-powered aircraft carriers (sec. 1011)

The House bill contained a provision (sec. 1011) that would require the Department of the Navy to establish a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would find that Naval Station Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such an additional homeport becomes necessary.

The amendment would also require the Secretary of the Navy to report to the congressional defense committees on the Navy's plan for developing such a homeport. That report shall address timing and cost, and be consistent with the Navy's plans for retiring conventionally-fueled aircraft carriers and deploying nuclear-powered aircraft carriers.

Limitation on overseas ship repairs (sec. 1012)

The House bill contained a provision (sec. 1020) that would codify current Navy practices in determining whether a ship operating overseas will have maintenance performed overseas before returning to the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 1013)

The House bill contained a provision (sec. 1014) that would require a report by the Secretary of the Navy regarding the proposed consolidation of mine countermeasures forces at one homeport on the Gulf of Mexico.

The Senate amendment contained a similar provision (sec. 2862) that would also direct the Comptroller General to evaluate the Navy report, and prohibit any actions to effect such a consolidation until 90 days after receipt of the Navy report by the congressional defense committees.

The House recedes with an amendment.

The conferees note the Navy's recent commissioning at Ingleside, Texas, of Naval Station Ingleside, which has been designated the homeport of a significant portion of the Navy's mine warfare fleet. For the sole purpose of ensuring that the Secretary of the Navy acts judiciously in regard to consolidating the mine warfare mission, the conferees recommend a provision that would direct the Secretary of the Navy to conduct a study of the operational and economic implications, as well as siting alternatives, of consolidation of mine countermeasures missions.

This report shall be submitted to the congressional defense committees no later than December 15, 1992, and will be followed within 30 days by an evaluation by the Comptroller General. The provision would prohibit any actions by the Department of the Navy to effect consolidation until 60 days after the release of the study by the Department of the Navy, or February 15, 1993, whichever is later. The conferees want to make it perfectly clear that this action does not have any effect on the transfer of ships or mine warfare personnel that the Navy has already officially announced, as of September 23, 1992, will be stationed at Naval Station Ingleside, Texas.

Transfer of certain vessels (sec. 1014)

The House bill included a provision (sec. 1013) that would direct the Secretary of the Navy to transfer two Navy auxiliary vessels to the Department of Transportation to be assigned as training ships to Texas A&M University and the Maine Maritime Academy when the vessels are no longer required for use by the Navy.

The Senate amendment included a similar provision (sec. 1053), but would link the transfer to the date of decommissioning of the vessels.

The House bill also contained a provision (sec. 1019) that would allow the Secretary of the Navy to transfer the obsolete tank landing ship ex-USS *Wahkiakum County* to the not-for-profit organization Ships for Youth and the Environment without the 60 day notification required by section 7308 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on compliance with domestic ship repair law (sec. 1015)

The House bill contained a provision (sec. 1061) that would require the Secretary of the Navy to submit a report on the Navy's compliance with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for construction of combatant and escort vessels in Navy yards (sec. 1016)

The Senate amendment contained a provision (sec. 1054) that would repeal subsection (a) of section 7299a of title 10, United States Code. This subsection required that the first ship and every other ship of a class of combatants or escort vessels be built in Navy yards. This requirement is subject to a waiver by the President if the President determines that meeting the requirement is inconsistent with the public interest.

The House bill contained no similar provision.

The House recedes.

Procurement of ships for the sealift program (sec. 1021)

The House bill included a provision (sec. 1017) that would authorize the Secretary of the Navy to purchase up to five ships built in foreign yards for the fast sealift ship program. The provision would require that whatever conversion work is done on the ships to make them suitable for the Navy's purpose would have to be performed in U.S. shipyards.

The Senate bill contained no similar provision.

The Senate recedes.

Modification of fast sealift program (sec. 1022)

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole.

For bridge and machinery control systems and interior communications equipment, the provision would allow the Secretary of Defense to waive the domestic content requirements if the system or equipment were not available or the cost of compliance would be unreasonable.

The Senate amendment contained no similar provision.

The Senate recedes.

Strategic sealift report (sec. 1023)

The Senate amendment contained a provision (sec. 126) that would require a detailed report on the intended purposes for strategic sealift funding before any funding could be obligated.

The House bill contained no similar provision.

The House recedes.

National defense sealift fund (sec. 1024)

The Senate amendment contained a provision (sec. 1077) that would establish a fund called the national defense sealift fund. This fund would be the mechanism for channeling resources to meet strategic sealift requirements, including those deficiencies identified in the Mobility Requirements Study report.

The House bill contained no similar provision.

The conferees recommend a provision that would establish the national defense sealift fund, under the control of the Secretary of Defense, with the following features:

the fund will gain resources from appropriations, contributions, receipts from disposal of DOD sealift vessels, and receipts from any build and charter program conducted under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510);

budget requests for expenditures from the sealift fund must be made by program, project, and activity in four distinct categories:

construction, purchase, alteration, and conversion;

operations, maintenance, lease, and charter;

installation and maintenance of national defense features on privately owned and operated vessels; and

research and development.

appropriations made to the fund will be made available for obligation no longer than five years, unless otherwise specifically provided by law;

not more than $10.0 million from the fund may be obligated during fiscal year 1993 until 30 days after the Secretary of Defense submits a detailed report on the intended uses of the fund during fiscal year 1993; and

not more than five foreign-built vessels may be purchased by the fund.

Under the provision recommended by the conferees, resources in the fund would be available for construction and conversion, operations, defense features, and research and development. In general, obligation of funds for programs, projects, and activities will require both an authorization and an appropriation. In certain unusual circumstances, however, subsection (j) of the provision would permit funds to be obligated under other authority.

Funds could be shifted between these categories only after consultation with the congressional defense committees. The conferees direct the Secretary of Defense not to shift funds between categories unless the Secretary follows the existing prior approval reprogramming process.

In addition, for funds transferred into the fund from prior year appropriations for shipbuilding and conversion, Navy, and for funds appropriated directly to the fund for expenditure in fiscal year 1993, the conferees recommend a provision that would restrict obligation of these funds until a detailed obligation plan is submitted. The provision would make $10.0 million available for obligation for necessary efforts until the plan is available. The conferees direct that the funding plan not be executed until the congressional defense committees have approved the plan under existing procedures for prior approval reprogrammings.

Finally, regarding amounts that may be deposited into the fund in the future, the conferees agree that such amounts shall be authorized for specific purposes, typically based on the annual budget request. However, to the extent that the Secretary should desire a deviation from the plan as authorized, the conferees direct that such changes shall be made only after notification to the congressional defense committees through a prior approval reprogramming process.

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift ship propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole. proceeded with class standard equipment that does not include CPP and left the decision about CPP to be determined through the selection process that evaluates competitive proposals. The conferees are concerned that the circular of requirements (COR), and the evaluation criteria by which the Navy will evaluate shipyard offers for new construction sealift ships, may be incomplete, inadequately reflecting the operational and economic advantages that may be available from CPP. In particular, the evaluation criteria may not adequately weigh ship maneuverability and the ability to operate at a sustained 15 knot cruising speed. Accordingly, the conferees request the Secretary of the Navy to review this matter as it pertains to the COR.

The conferees believe that the recommended limit of five foreign-built vessels represents a reasonable balance between the concerns for moving forward more quickly to add sealift capability, and supporting the domestic shipbuilding industry. Although the conferees will not be inclined to recommend a change in this limit in the future, they recognize that circumstances could change.

The provision that would establish the sealift fund recognizes that build and charter and including defense features on commercial ships could provide useful ways of enhancing aggregate sealift capability. The conferees regret that the Navy has not provided the analysis of costs and benefits of proposals to construct vessels with defense features requested in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The Defense Department has clearly favored government ownership of vessels, rather than showing any intent to follow the national sealift policy which emphasizes reliance on the private sector. The Defense Department has provided no basis for this dichotomy between averred policy and its actions.

Revitalization of U.S. shipbuilding industry (sec. 1031)

The House bill contained a provision (sec. 1016) that would require the Secretary of Defense to direct that all strategic sealift ships be designed and built to commercial specifications and to establish an interagency working group to formulate a comprehensive program to preserve the shipyard industrial base. Unless the Secretary submits a comprehensive plan developed by that working group with the defense budget request for fiscal years 1994/1995, a penalty would be triggered. It would prohibit the Department of Defense from contracting for goods and services with any company physically located in or headquartered in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President is the appropriate official to convene the interagency working group and provide the report not later than October 1, 1993.

The conferees agree to modify the penalty provision to include only foreign firms. The conferees also agree to amend the provision to waive the penalty if:

the President notifies Congress that he is unable to submit the plan by October 1, 1993; and

he includes an explanation of the reasons for delay and a statement that the plan will be submitted by April 15, 1994.

Additional support for counter-drug activities (sec. 1041)

The Senate amendment contained a provision (sec. 921) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to extend its provisions through fiscal year 1994; clarify and broaden the authority to enable to systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs; preclude limiting support only to critical, energent, or unanticipated requirements; and authorize the provision of linguist and intelligence analysis services.

The House bill contained a provision (sec. 1031) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to extend its provisions through fiscal year 1994 and authorize $40.0 million for additional support to other agencies for counter-drug activities. The House bill also contained a provision (sec. 924) that would, in part, authorize the Secretary of Defense to use the Foreign Language Center of the Defense Language Institute to train linguists and require the Secretary to submit a report evaluating the feasibility of using enhanced linguist automated translation capabilities and training.

The House recedes with an amendment that would limit the detection, monitoring, and communication of movement in the case of air and sea traffic to within 25 miles of and outside the boundaries of the United States and in the case of surface traffic, to outside the boundaries and within the United States to not exceed 25 miles of the boundaries provided the initial detection occurred outside the boundary. The amendment would also specifically authorize $40.0 million for additional support to other agencies for counter-drug activities. The conferees emphasize that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Department of Defense personnel in a search, seizure, arrest, or any other similar activity.

The conferees are concerned with the late obligation of section 1004 funds and with the criteria applied by the Defense Department in determining the use of such funds. Accordingly, the conferees have amended section 1004 to provide that support may not be limited only to critical, emergent, or unantici-

pated requirements. The conferees do not intend that other agencies rely upon section 1004 funding in formulating their budget requests to the Congress. Nevertheless, the conferees believe that the most important criteria for provision of section 1004 support should be the consistency of the supported activity with the priorities of the National Drug Control Strategy and the contribution that such activity makes to the national counter-drug effort. For example, section 1004 funds should be used for, but not limited to, such activities as providing counter-narcotics training for local law enforcement officials by military police instructors. The conferees further urge the Secretary to ensure that section 1004 funds and support are provided throughout the fiscal year and not husbanded for expenditure in the final quarter.

The conferees are pleased with the Department of Defense's prior notification to the Armed Services and Foreign Relations Committees of the Senate and the Armed Services and Foreign Affairs Committees of the House of Representatives concerning support to foreign law enforcement agencies and expect the Department to foster communications with those committees on such support.

The conferees are aware of linguist support the Department has provided to the Drug Enforcement Agency (DEA) for several years. At the Department's request, DEA developed an alternative electronic delivery means to supplant temporary duty (TDY) linguists. The conferees understand that a centralized remote digitized translation system has demonstrated a cost-effective means of meeting this translation support requirement. The conferees direct the Department to establish such a system as soon as possible in order to reduce the TDY linguist support. Funds provided pursuant to section 1004 are authorized to be used for establishment and operation of the electronic system to the extent that it is utilized for counter-drug purposes.

Finally, the conferees urge the Secretary of Defense to make maximum use of the resources of the Foreign Language Center of the Defense Language Institute in the provision of linguist services and associated training.

Maintenance and operation of equipment (sec. 1042)

The Senate amendment contained a provision (sec. 922) that would amend section 374 of title 10, United States Code, to authorize Department of Defense personnel to operate equipment for the purpose of detecting, monitoring, and communicating the movement of land traffic to assist law enforcement officials.

The House bill contained no similar provisions.

The House recedes with an amendment that would limit the communication of movement of traffic to surface traffic outside the United States and within the United States up to 25 miles, provided the initial detection was outside the boundary. The conferees are agreed in the need to clarify congressional intent with respect to support to law enforcement authorities in connection with the movement of surface traffic across the border of the United States. Accordingly, the conferees have agreed to a provision that would clarify congressional intent to authorize the systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs on the surface to provide law enforcement with the necessary cued intelligence required to plan effective interdiction efforts. The conferees emphasis, however, that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Defense Department personnel in search, seizure, arrest, or any other similar activity.

Counter-drug detection and monitoring systems plan (sec. 1043)

The House bill contained a provision (sec. 1032) that would require the Secretary of Defense to establish requirements for land, air, and sea-based systems to be used by the Department in its mission as the lead agency for detection and monitoring of the transit of illegal drugs into the United States; to identify and evaluate existing and proposed counter-drug detection and monitoring systems; and to prepare a plan for the development, acquisition, and use of improved systems. The provision would also require the Secretary to submit a report to Congress covering these areas and would prohibit the obligation of funds for the procurement, upgrading, and research and development of a counter-drug detection and monitoring system, or the lease of such a system for a new capability, until the Secretary's report is submitted.

The Senate amendment contained a provision (sec. 924) that would require the Secretary of Defense to conduct a study of the land, sea, and air-based systems used by the Department in carrying out activities relating to the reconnaissance, detection, and monitoring of drug traffic and to submit a report to Congress on the results of the study, including the evaluation of existing and potential systems. The provision would also prohibit the obligation of funds for the procurement, upgrading, research and development, or lease of a counter-drug reconnaissance, detection, and monitoring system, prior to the submission of the report, but specifically would authorize the obligation of funds for such actions if necessary to carry out the study.

The Senate recedes with an amendment that would insert the requirement for the Secretary to determine systems that should be terminated, and provide the authority to obligate funds for actions necessary to carry out the study.

The conferees further direct the Secretary to ensure that the evaluation of systems includes existing systems and technologies, such as the sea-based aerostats (SBAs), small aerostat surveillance system (SASS), and the relocatable over the horizon radar (ROTHR). Further, the Department will ensure that new concepts, such as airships, P-3, aircraft equipped with airborne early warning radar, T-1A aircraft, and modified T-47 aircraft; non-developmental items, such as multi-sensor surveillance aircraft; and developmental items, such as low-observable, modular/reconfigurable, high-speed maritime patrol craft, as described in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352) are fully evaluated. The conferees authorize the Department to use funds from drugs interdiction accounts to acquire (lease or purchase) and modify these systems for the purpose of evaluation. The conferees also authorize $5.0 million for the conduct of the administrative activities necessary for this evaluation, and to prepare the resulting plan and report to Congress. The conferees expect the Department to work out arrangements with other agencies when such agencies already possess an item which needs to be assessed.

The conferees further direct the Department not to take any irrevocable action with regard to selection of systems in the counter-drug area pending the completion of the systems plan.

Demand reduction activities (sec. 1045)

The Senate amendment contained a provision (sec. 925) that would require the Secretary of Defense to expand the drug demand reduction outreach program of the Department to include regions beyond the vicinity of military installations and to focus on youths, in general, and inner-city youths, in particular.

The House bill contained a provision (sec. 1034) that would require the Secretary of Defense to prepare a report assessing the feasibility and desirability of conducting such a program.

The House recedes with an amendment that would authorize the Secretary of Defense to conduct an expanded drug demand reduction outreach program on a three-year pilot basis and would require the Secretary to submit a report to Congress no later than two years after the date of the enactment of this act.

The conferees are aware of the numerous and varied outreach programs currently carried out by the armed forces. The conferees believe that those programs, which are currently carried out on a volunteer basis, if expanded both geographically and in scope and adequately funded, can make a substantial contribution to the reduction in demand for illegal drugs. The conferees direct that the program be conducted in a manner that complements, rather than duplicates, similar efforts undertaken by other federal, state, and local agencies.

Joint Task Force Five

The House bill would deny authorization for the U.S. Pacific Command's Joint Task Force 5 (JTF-5), which is located in Alameda, California, and that provides intelligence and operations support to multiple law enforcement agencies. The House conferees fully support the functions performed by JTF-5 but believe the intelligence functions, constituting over 50 percent of the total JTF-5 personnel billets, should be fully or partially consolidated with the Joint Intelligence Center-Pacific in Hawaii.

The Senate amendment did not deny authorization for JTF-5.

The House recedes.

The conferees note that the joint intelligence centers are intended to be consolidated centers of intelligence support to the unified and specified commanders. Further, the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directed the Secretary of Defense to examine and report on the possibility of consolidating the counter-drug task forces. The conferees have received this report and note the Department's decision to retain the existing task force structure. However, the conferees believe that further refinements in the present counter-drug organizational structure are possible to minimize cost, reduce duplication, and enhance counter-drug operations and support of law enforcement agencies. Accordingly, the conferees urge the Department to consider further consolidation of the intelligence functions presently dispersed in the counter-drug joint task forces to the joint intelligence centers of the responsible unified and specified commands.

Technical and clerical amendments (secs. 1051-1055)

The House bill contained two provisions (secs. 1041 and 1042) and the Senate amend-

ment contained three provisions (secs. 1031, 1033, and 1034) that would codify and clarify certain provisions of law and provide certain technical amendments.

The Senate recedes with an amendment.

United States Court of Military Appeals amendments (secs. 1061–1062)

The Senate amendment contained a provision (sec. 1058) that would make two improvements in the laws governing the Court of Military Appeals. The first would equalize retirement provisions applicable within the Court by authorizing all of the judges to be placed under the same retirement system. The second would enhance the Court's stature and independence by establishing tenure for the chief judge in place of the current provision which permits the chief judge to be removed from that position at any time.

The House bill contained no similar provision.

The House recedes with respect to providing tenure for the chief judge. With respect to the change in the Court's retirement system, the House recedes with an amendment that would give prospective effect to the change.

Other amendments to the Uniform Code of Military Justice (secs. 1063–1067)

The Senate amendment contained a provision (sec. 1059) that would make a number of amendments to the Uniform Code of Military Justice proposed by the Department of Defense to bring the military justice system more closely in line with civilian law procedures. The provision would: (1) amend article 3 to ensure that a court-martial has jurisdiction over a servicemember for offenses committed during a prior enlistment; (2) amend article 57 to permit a military sentence to be served consecutively, rather than concurrently, with a civilian or foreign sentence; (3) amend article 63, which governs rehearings, to provide court members with accurate information about the maximum sentence that may be imposed at a rehearing; (4) amend article 111 to provide a statutory standard for breath and blood measurements of alcohol; (5) amend article 118 to clarify that unpremeditated murder requires that only one individual need be put at risk by an inherently dangerous act evincing a wanton disregard of human life resulting in the unlawful killing of an individual; and (6) amend article 120 to eliminate the spousal rape exception and make the offense of rape gender neutral.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Use of aircraft safety and accident investigation reports (sec. 1071)

The House bill contained a provision (sec. 1051) that would require the Secretary of a military department to make the records and reports of a safety investigation available to the Committee on Armed Services of the Senate or House of Representatives upon the request of the chairman and ranking member of that committee. Individuals to whom access is provided to such records or reports would be required to preserve the confidentiality of their contents. The provision would also require a military aircraft accident investigation to contain a clear conclusory statement or determination of the cause of the accident or, if such is not possible, to describe those factors that substantially contributed to or caused the accident.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would first require that the Service Secretaries shall release recordings or other factual material before the completion of the accident only if two conditions are met: first, that there be a specific request for the information, a standard imposed so that the Services are not forced to prepare every factual item uncovered in an accident investigation for early public release even when there is no public interest in the material; and, second, that any material prepared for such release must be material that would normally be releaseable at the conclusion of the accident investigation.

Second, the amendment would require an accident investigation board to state an opinion or opinions of the cause or causes of the accident when there is evidence sufficient for the board to make such determinations. The conferees intend to permit the Service Secretaries lattitude in establishing evidentiary standards if they so choose. The conferees also emphasize that nothing in the amendment is intended to force a board to reach a conclusion. If the board feels the evidence is so conflicting or inadequate that it cannot reasonably reach a conclusion, this provision would allow it to state that the cause is indeterminable.

The conferees also note their continuing expectation that the Committee on Armed Services of the Senate and the House of Representatives will receive, on a non-releasable basis, copies of safety reports for review when, in the opinion of committee or committees concerned, circumstances so require. The conferees believe that review of these reports by the committees should not be a matter of dispute and expect the military Services to forthrightly and promptly comply with official requests of this nature.

Survivor notification and access to reports relating to service members who die during operations or training (sec. 1072)

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense to provide the family of a member of the armed forces with timely notification and copies of reports about the death of the member to the extent that the reports would be subject to release under the Freedom of Information Act and the Privacy Act. The provision would also require the Secretary of Defense to review fatality notification procedures.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees intend that the term "fatality report" include the documentary exhibits to such a report, including an autopsy report and accompanying photographs. The conferees note that this provision has prospective application with respect to fatalities occurring on or after the date of enactment. The conferees encourage the Department of Defense, however, to apply the procedures required by this provision, insofar as practicable, in the Department's communications with survivors of service members who died prior to enactment of this act.

Authority for civilian students to attend the United States Naval Postgraduate School (sec. 1073)

The House bill contained a provision (sec. 1053) that would amend section 7041 of title 10, United States Code, to authorize civilian students to attend the United States Naval Postgraduate School on a reciprocal-tuition waiver basis. Civilians would be admitted to the school without having to pay tuition, as long as they were enrolled and paying tuition at a civilian institution of higher learning that has a reciprocity agreement with the Naval Postgraduate School, and meet citizenship, residency, and aptitude requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Elimination of reports required by law (sec. 1074)

The Senate amendment contained a provision (sec. 1049) that would repeal 16 statutory requirements for reports from the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal one of the 16 requirements that would be repealed by the Senate provision.

Restriction on obligation of funds for new museums (sec. 1075)

The Senate amendment contained a provision (sec. 1051) that would prohibit obligation of funds for construction or capitalization of four museums for which funds were appropriated in fiscal year 1992 unless the Secretary of Defense makes a special determination that the museum is a high priority item that would make a unique contribution to the missions of the military departments.

The House bill contained no similar provision.

The House recedes. The conferees note that during consideration of the Military Construction Authorization Act for Fiscal Year 1985 (Public Law 98–407), the Armed Services Committees of the Senate and the House of Representatives carefully reviewed the question of whether federal funds should be used for the construction of military museums. At that time, the committees concluded that each military Service should be limited to one museum that would be constructed with public funds.

The conferees support local initiatives to establish museums on military installations using private funds, with modest support using appropriated operating funds from their associated military bases. The conferees endorse the policy adopted in the 1985 legislation limiting the actual construction of museums with appropriated funds to one per Service.

Army military history fellowship program (sec. 1076)

The Senate amendment contained a provision (sec. 1052) that would direct the Secretary of the Army to award fellowships in military history of the Army to eligible individuals.

The House bill contained no similar provision.

The House recedes.

Amendment to authorize an optional refund of lump-sum annual leave payments to certain civilian personnel (sec. 1077)

The Senate amendment contained a provision (sec. 1045) that would make a technical change to section 5551 of title 5, United States Code, as amended by the Portability of Benefits for Nonappropriated Fund Employees Act of 1990 (Public Law 101–508). The 1990 amendment was retroactive to January 1, 1987, and provided that leave would be transferred. Certain personnel who had transferred before the amendment was enacted had received lump-sum payments for accrued leave. These personnel are required to refund the payments they received in exchange for leave credit. This provision would allow such employees the option of keeping

such payments or refunding such payments and having their leave recredited.

The House bill contained no similar provision.

The House recedes.

Equity in benefits for temporary federal emoloyees (sec. 1078)

The House bill contained provisions (secs. 1201–1206) that would provide health and life insurance and retirement benefits to temporary employees within the Department of Defense who complete one year of current continuous employment or four years of service within a six-year period.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment. The conferees agree that the Office of Personnel Management should report to Congress by April 1, 1993 on the feasibility of providing health and life insurance and retirement benefits to temporary employees.

Designation of United States military physicians as civil surgeons under the Immigration and Nationality Act of 1991 (sec. 1079)

The House bill contained a provision (sec. 1068) that would deem United States military physicians with not less than four years of professional experience to be civil surgeons for the purpose of performance of physical examinations under the Immigration and Nationality Act of 1991.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of armed forces insignia on state license plates (sec. 1080)

The House bill contained a provision (sec. 537) that would amend chapter 53 of title 10, United States Code, to authorize the Secretaries of the military departments to approve an application by a State to use or imitate the seal or other insignia of the department, or of armed forces under the jurisdiction of that Secretary, on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Civil-military cooperative action program (sec. 1081)

The Senate amendment contained a provision (sec. 1060) that would authorize the Secretary of Defense to establish a civil-military cooperative action program to use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet critical domestic needs of the United States.

The program would have the following objectives: (1) enhancing individual and unit training and morale through meaningful community involvement; (2) encouraging cooperation between civilian and military sectors of society in addressing areas of domestic need; (3) advancing equal opportunity and improving relations among racial and ethnic groups; (4) enriching the civilian economy through education, training, and transfer of technological advances; (5) improving the environment and economic and social conditions; and (6) providing opportunities for disadvantaged citizens.

The program would be governed by three essential principles: (1) any project under the program must be undertaken in a manner that is consistent with the military mission of the unit in question; (2) the project must fill a need that is not otherwise being met, and should not compete with the private sector or with services provided by other government agencies; and (3) the program cannot become a basis for justifying additional overall defense expenditures or for retaining excess military personnel. Projects should be undertaken only with personnel, resources, and facilities that exist for legitimate military purposes.

The House amendment contained no similar provision.

The important role that the military can play in meeting domestic needs has been underscored by the critical role of the armed forces in the aftermath of Hurricane Andrew. Although the relief effort required the cooperative efforts of many federal, state, and local entities, only the Department of Defense had the equipment and personnel to provide the logistics and infrastructure necessary for the timely provision of essenital food, shelter, medical, sanitation, and communications services for a disaster of this magnitude.

The conferees agree that a vibrant civil-military cooperative action program can assist civilian officials in addressing a variety of domestic needs, consistent with the military mission and the primary role of other government agenices and the private sector in dealing with domestic matters.

The House recedes.

Limitation on support for United States contractors selling arms overseas (sec. 1082)

The House bill contained a provision (sec. 1062) that would require the Defense Department to be fully reimbursed for any support it provides to U.S. firms at overseas military trade shows.

The Senate amendment contained a provision (sec. 2802) that would, in part, prohibit the exhibition of any Defense Department equipment at an international trade show unless the equipment was leased by its manufacturer at a fair market rate.

The Senate recedes with an amendment.

The conferees believe that U.S. firms should pay the costs of marketing their defense equipment at international trade shows. Therefore, the amendment would require that, if a U.S. firm or industrial association asked the Defense Department to provide equipment for an international trade show outside the United States, such equipment could not be supplied unless the firm reimbursed the Defense Department for the incremental costs that it incurred in providing the equipment. These incremental costs would be (1) the incremental costs incurred by any military personnel who accompany the equipment, including their food, lodging, and local transportation; (2) the incremental transportation costs incurred in moving the equipment from its normally assigned location to the trade show and back again; and (3) any other miscellaneous incremental costs.

The amendment would also prohibit the Defense Department from participating directly in international trade shows outside the United States unless the Secretary of Defense determined that it was in U.S. national security interests to do so. The Secretary could not delegate authority to make this determination below the level of the Under Secretary of Defense for Policy. The amendment would require the Secretary of Defense to submit a report to Congress 45 days before the opening of a trade show in which the Defense Department intended to participate directly. The conferees do not intend this prohibition to cover airshows and similar military exhibits held on overseas U.S. military bases for the purpose of promoting better community relations among U.S. military personnel, their dependents, and host citizens.

Sense of Congress regarding the time limitations for consideration of military decorations and awards (sec. 1083)

The House bill contained a provision (sec. 1066) that would express the sense of the Congress that the Secretaries of the military departments should consider recommendations for decorations or awards for World War II service regardless of the time limitations on the consideration of such awards. Recommendations under this provision would have to be submitted by December 31, 1995 in order to merit consideration.

The Senate amendment contained no similar provision.

The Senate recedes.

Award of the Navy Expeditionary Medal to the "Doolittle Raiders" (sec. 1084)

The Senate amendment contained a provision (sec. 1068) that would express the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air raid commonly known as the "Doolittle Raid on Tokyo," during 1942, regardless of the time limitation on the consideration of such awards.

The House bill contained a similar, more general provision (sec. 1066) that is incorporated elsewhere in this act.

The House recedes.

Sense of Congress regarding the award of Purple Heart to members killed or wounded in action by friendly fire (sec. 1085)

The House bill contained a provision (sec. 538) that would require the Secretaries of the military departments, for purposes of awarding the Purple Heart, to treat a member of the armed forces killed or wounded in action by friendly fire in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States. The House provision would apply to members of the armed forces killed or wounded on or after December 7, 1941.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The amendment would express the sense of Congress that the Secretaries of the military departments should ensure that in the future the Purple Heart should be awarded without hesitation to members of the armed forces killed or wounded by friendly fire while actively engaged with the enemy. In this regard, the conferees note that in a letter to the Chairman of the Subcommittee on Military Personnel and Compensation of the House Armed Services Committee dated October 25, 1992, the Deputy Assistant Secretary of Defense (Military Manpower and Personnel Policy) stated with regard to this matter:

In short, the critical factors we use to determine eligibility for the Purple Heart in "friendly fire" situations is whether or not the Service member was *actively engaged* with the enemy. For your information, Service members involved in Operation Desert Storm who sustained injuries in these types of circumstances (i.e., killed or wounded *in action* by friendly fire) were awarded the Purple Heart.

Study of effects of Persian Gulf conflict mobilization on members of the reserve components who were self-employed or owners of small businesses (sec. 1086)

The Senate amendment contained a provision (sec. 505) that would require the Secretary of Defense to conduct a study and re-

port on the economic and other effects on the reserves and members of the National Guard who were self-employed or owners of small businesses and who were activated in connection with Operation Desert Shield/Desert Storm.

The House bill contained no similar provision.

The House recedes.

Civil-military youth service programs (secs. 1091-1095)

The Senate amendment contained four provisions (secs. 1081-1085) concerning the civil-military youth service programs.

Section 1081 of the Senate amendment would authorize the Chief of the National Guard Bureau to enter into agreements with the governors of up to 10 states to conduct a National Guard civilian youth opportunities pilot program to evaluate the feasibility and effectiveness of military-based training to improve the life skills and employability of high school dropouts. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1082 of the Senate amendment would create a Civilian Community Corps demonstration program to test the feasibility of a federally administered residential national youth service program as an alternative to traditional forms of national service. The program would be administered through the Commission on National and Community Service and coordinated with the National Guard civilian youth opportunities program. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1083 of the Senate amendment would require coordination, to the maximum extent practicable, among the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps, with respect to the National Guard and youth opportunities program and the Civilian Community Corps demonstration program.

Section 1084 of the Senate amendment would authorize $50.0 million in fiscal year 1993 to increase the ability of the Commission on National and Community Service to promote nonresidential national youth service programs in areas affected by the military downsizing.

Section 1085 of the Senate amendment would require that funds could be made available under sections 1082 and 1084 only if determined by the Office of Management and Budget (OMB) to be counted against the defense category of discretionary spending limits for fiscal year 1993.

The House bill contained no similar provisions.

The House recedes with an amendment. The amendment would make technical changes, and also reduce the amounts authorized for the Civilian Community Corps demonstration program and for the national and community service program to $30.0 million for each program.

Closing of appropriation accounts available for indefinite periods

The House bill contained a provision (sec. 1002) that would amend section 1555 of title 31, United States Code, to remove the requirement that an agency head or the President determine that the purposes of an account, from which no disbursement has been made for two years, have been carried out prior to the closing of the account. Thus, these accounts would be closed in the event that no disbursements from them were made for two consecutive fiscal years.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on expansion of San Diego homeport area

The House bill contained a provision (sec. 1012) that would prohibit the Secretary of the Navy from expanding the area administratively designated as the San Diego homeport area to include Long Beach or San Pedro, California.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the Navy should continue to have the discretion to administratively designate homeport areas. The conferees also believe that quality of life considerations for Navy personnel and their families should continue to be a priority factor in the Navy's planning for ship repair and overhaul work.

Requirement to expedite construction of sealift ships

The House bill contained a provision (sec. 1018) that would prevent the Department of Defense from obligating funds for the C-17 program at any faster rate than funds are obligated for the strategic sealift program. This was intended as an inducement to the Department to move more expeditiously on the sealift program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the Department is beginning to make better progress on the strategic sealift program. However, if progress does not continue apace, the conferees will recommend that further legislative action be taken.

Sense of Congress regarding an international effort to limit the supply of illegal narcotics

The House bill contained a provision (sec. 1033) that would express the sense of Congress concerning international contributions to the counter-drug effort.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that all nations should contribute commensurate with their resources to efforts to curb the production of illegal narcotics at their source and that the allies of the United States should be encouraged to make greater contributions to this effort.

Provision of certain facilities and services of the Department of Defense to certain educational entities

The House bill contained a provision (sec. 1063) that would authorize the Secretary of Defense to provide certain services to, and make available facilities for use by, certain educational entities.

The Senate amendment contained no similar provision.

The House recedes. The conferees encourage the military Services to provide appropriate support to educational entities under existing statutes and regulations authorizing such support.

Defense maritime logistical readiness

The Senate amendment contained several provisions (secs. 1021-1023) designed to improve the level of support for the United States merchant marine, including:

(1) directing that more U.S. cargo travel only on U.S. flag vessels;

(2) shifting priority for carrying U.S. military cargo to liner operators;

(3) directing the Secretary of Defense to ensure that DOD studies give full consideration to capabilities of the U.S. flag merchant marine; and

(4) encouraging the Department of Defense to enter into logistics readiness agreements with U.S. flag merchant marine operators to assure that sealift capacity will be available in an emergency.

The House bill contained no similar provisions.

The Senate recedes.

POW/MIA stamp

The Senate amendment contained a provision (sec. 1074) that would require the Postmaster General to issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

The House bill contained no similar provision.

The Senate recedes. The conferees consider it inappropriate for Congress to set a precedent for dictating the subjects of postage stamps after 150 years of carefully avoiding that role. The conferees, however, strongly urge the Postal Service to consider the issuance of a commemorative postage stamp honoring American prisoners of war and Americans missing in action from all wars.

Nuclear proliferation control

The Senate amendment contained provisions (secs. 1091-1094F) that would prohibit firms that promote nuclear proliferation from doing business with the U.S. government, create additional economic sanctions against firms and banks that promote economic proliferation, ensure that U.S. funds provided to multilateral lending agencies do not promote nuclear proliferation, create new sanctions against countries that traffic in critical bomb parts and designs or transfer or detonate nuclear devices, and expand reporting to Congress on relevant developments.

The House bill contained no similar provisions.

The Senate recedes.

National education goals panel

The Senate amendment contained provisions (secs. 1301-1307) that would authorize establishment within the Department of Education a National Education Goals Panel.

The House bill contained no similar provisions.

The conferees note that the authorization for this panel is included in the conference report on S.2, The Neighborhood Schools Improvement Act.

The Senate recedes.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 1101)

Section 1101 would cite this title as the "National Guard Combat Readiness Reform Act of 1992".

Minimum percentage of prior active-duty personnel (sec. 1111)

The House bill contained a provision (sec. 701) that would require the Secretary of the Army to establish regulations no later than March 15, 1993, with the objective of increasing the percentage of prior active duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by the end of fiscal year 1997. The House provision would require that officer and enlisted accession percentages be prescribed for fiscal years 1993 through 1997 in order to achieve the 1997 prior-service levels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army to provide to the Committees on Armed Services of the Senate and House of Representatives a copy of the regulations required by this section. The Secretary shall also provide any recommendations for improvements in this section.

Service in the Selected Reserve in lieu of active-duty service (sec. 1112)

The House bill contained a provision (sec. 702) that would require that military service academy graduates and distinguished Reserve Officer Training Corps (ROTC) graduates leaving active duty before satisfying their active duty service obligation must serve the remainder of that obligation in the Selected Reserve, unless the service Secretary waives the requirement because of the non-availability of unit positions. The House provision would also direct the Secretary of the Army to develop a program in which certain ROTC graduates would serve on active duty for two years and complete the remainder of their service obligation with the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Review of officer promotions by commander of associated active duty unit (sec. 1113)

The House bill contained a provision (sec. 704) that would require any promotion of an officer in the Army National Guard above the grade of first lieutenant to first be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer, or another active component officer as designated by the Secretary of the Army. The provision would also require that a written statement of that commander's concurrence or nonconcurrence be provided to the promotion authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the applicability of the provision to unit vacancy promotions, and would establish an implementation schedule that calls for the provision to apply to Army National Guard round-out/round-up units effective April 1, 1993; to Army Selected Reserve units designated as early deployers effective October 1, 1993; and all remaining Army National Guard combat units effective April 1, 1994. The amendment would also require the Secretary of the Army to report to the Committees on Armed Services of the Senate and House of Representatives an implementation plan and legislative proposals to clarify, improve, or modify the provision to better carry out the purpose of the provision.

Noncommissioned officer education requirements (sec. 1114)

The House bill contained a provision (sec. 705) that would require that the military education requirements prescribed by the Secretary of the Army for noncommissioned officers must be met prior to promotion to a higher grade. The active Army would have to assume responsibility for making sufficient training positions available to meet those requirements. The House provision would also allow the Secretary of the Army to waive the prescribed requirements only in cases in which it would be necessary to preserve continuity of leadership under combat conditions.

The Senate amendment contained no similar provision.

The Senate recedes.

Initial entry training and nondeployable personnel account (sec. 1115)

The House bill contained a provision (sec. 706) that would require the Secretary of the Army to establish a personnel accounting category for members of the Army National Guard who have not completed the minimum training requirement for deployment or who are otherwise not available for deployment. The provision would also direct that individuals in this account could not fill positions in National Guard units.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Minimum physical deployability standards (sec. 1116)

The House bill contained a provision (sec. 707) that would require members of the Army National Guard who are unable to meet minimum physical deployability standards within a period of 90 days, whether due to physical disability or inability to complete successfully a physical fitness evaluation, be transferred to the personnel accounting category that would be established in another House provision (sec. 706). The House provision would also require that if a member so transferred is unable to complete successfully a physical fitness evaluation within six months after such transfer, the member would be separated or retired from the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Medical assessments (sec. 1117)

The House bill contained a provision (sec. 708) that would require each member of the Army National Guard to undergo dental and medical screening on an annual basis, and a physical fitness evaluation on a semiannual basis. Each member of the Army National Guard over the age of 40 would be required to undergo a full physical examination at least every two years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Dental readiness of members of early deploying units (sec. 1118)

The House bill contained a provision (sec. 709) that would require the Secretary of the Army to develop a plan to ensure that members of the Army National Guard whose units are scheduled for early deployment in the event of mobilization, are dentally ready for deployment. This provision would require the Secretary to submit a report on this plan to the Committees on Armed Services of the Senate and House of Representatives no later than February 15, 1993. This report would have to include any legislative proposals the Secretary considered necessary to implement this plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Combat unit training (sec. 1119)

The House bill contained a provision (sec. 710) that would require the Secretary of the Army to establish a program to minimize post-mobilization training required for combat units of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Use of combat simulators (sec. 1120)

The House bill contained a provision (sec. 711) that would direct the Secretary of the Army to expand the use of training simulators in order to increase training opportunities for members of the Army National Guard. The House provision noted that Guard units frequently have difficulty gaining access to training facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees strongly concur that simulations, simulators, and advanced computer-based training devices offer significant potential for improving the readiness of reserve component forces.

Deployability rating system (sec. 1121)

The House bill contained a provision (sec. 721) that would require modification of the current unit readiness rating system for the Army Reserve and Army National Guard to ensure the rating system accurately assesses the readiness of a unit to deploy and identifies unit shortfalls that require additional resources. This provision would also require that this rating system reflect the unit's percentage of required personnel assigned and the number of personnel who are qualified in their primary occupational specialty, the fill and deployability rate for critical occupational specialties, and the status of equipment directly held by the unit and necessary to carry out its basic mission requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Inspections (sec. 1122)

The House bill contained a provision (sec. 722) that would amend section 105 of title 32, United States Code, to require the Secretary of the Army to determine whether units of the Army National Guard can meet the requirements of their unit designator.

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 1131)

The House bill contained a provision (sec. 731) that would require the Secretary of the Army to develop a program no later than September 30, 1993, that requires each National Guard combat unit to be associated with an active duty combat unit. This program would be required to be fully implemented by September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require that the responsibilities prescribed in subsection (b) of the House provision be assigned to the headquarters of active Army combat units at the brigade or higher level. The conferees intend that the Secretary of the Army adhere to the same implementation schedule as specified for the implementation of section 704 of the House bill, as modified by this act.

The conferees expect the Secretary to implement this provision using the same schedule as that specified in section 1113 in this title relating to the review of officer promotions by the commander of the associated active duty unit.

Training compatibility (sec. 1132)

The House bill contained a provision (sec. 732) that would amend section 414 of the Na-

tional Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), to require the Secretary of the Army to assign 3,000 non-commissioned officers and warrant officers to the pilot program for active component support of the reserves, beginning in fiscal year 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Systems compatibility (sec. 1133)

The House bill contained a provision (sec. 733) that would require the Secretary of the Army to develop and implement a program that would ensure Army personnel, maintenance management, supply, and finance systems are compatible and able to interface across all Army components. This provision would require the Secretary of the Army to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than September 30, 1993, describing the systems compatibility program and detailing the plan for implementation of the program by the end of fiscal year 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Equipment compatibility (sec. 1134)

The House bill contained a provision (sec. 734) that would amend section 115 of title 10, United States Code, to include a statement on the current status of the incompatibility of equipment between the Army reserve components and the active forces of the Army, the effect of that level of incompatibility on combat readiness, and a plan to achieve full compatibility in the annual report on National Guard and reserve component equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Deployment planning reform (sec. 1135)

The House bill contained a provision (sec. 735) that would require the Secretary of the Army to develop a system for identifying the mobilization priority of Army reserve component units, based on contingency planning requirements and doctrine. The provision would direct the Secretary of the Army to develop a system to link the unit deployment designators to the resourcing system, and to include a higher priority for units with fewer post-mobilization days allocated before deployment. Units designated with shorter post-mobilization periods would receive greater funding for training, full-time support, equipment, and assignment of manpower in excess of 100 percent of their authorized levels.

The House provision would also require the Secretary of the Army to establish procedures to identify the command level at which combat units would be integrated into the active component forces and to ensure this level of integration is consistent with the post-mobilization training days allocated to units by their unit deployment designators.

The Senate amendment contained no similar provision.

The Senate recedes.

Qualification for prior-service enlistment bonus (sec. 1136)

The House bill contained a provision (sec. 736) that would amend title 37, United States Code, to restrict the payment of prior service enlistment bonuses to individuals who are military occupational specialty (MOS)-qualified for the unit position they are projected to occupy.

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The Senate amendment contained no similar provision.

The Senate recedes.

Study of implementation for all reserve components (sec. 1137)

The conferees recommend a provision that would require the Secretary of Defense to assess the feasibility of implementing the provisions of this title for all reserve components, and to submit a report to the Committees on Armed Services of the Senate and House of Representatives containing a plan for such implementation.

Preference for filling vacancies for persons separated from active forces

The House bill contained a provision (sec. 703) that would amend section 1150 of title 10, United States Code, to provide priority during the force drawdown for vacant positions within the reserve components to persons voluntarily or involuntarily separating from the armed forces under honorable conditions, and who apply within one year of separation.

The Senate amendment contained no similar provision.

The House recedes. The House provision is incorporated elsewhere in this act.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Supplemental authorization for Operation Desert Storm (secs. 1201-1204)

The Senate amendment contained provisions (secs. 1011-1014) that would extend to fiscal year 1993 the authority to use the Defense Cooperation Account and the Persian Gulf Regional Defense Fund and would authorize additional appropriations from these accounts for incremental military personnel costs of Operation Desert Storm.

The House bill contained no similar provisions.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 1211)

The Senate amendment contained a provision (sec. 1069) that would provide supplemental authorizations for fiscal year 1992 for costs arising from the consequences of Hurricane Andrew and Typhoon Omar.

The House bill contained no similar provision.

The House recedes.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overseas basing activities (sec. 1301)

The House bill contained a provision (sec. 1056) that would reduce the total amount authorized by this act for fiscal year 1993 by $3.5 billion. The provision would require that the $3.5 billion reduction may only be made from funds for programs, projects, and activities that support U.S. forces assigned in Europe, Japan, or Korea.

The House bill contained another provision (sec. 368) that would require the President to consult with other NATO members and South Korea to achieve agreements under which each country shall, by September 30, 1994, assume an increased share of U.S. costs of maintaining U.S. installations in each country. The provision would require certain reductions in the amounts that may be obligated to conduct overseas basing activities in fiscal years 1993 and 1994.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would modify and combine the two House provisions into a single provision.

The single provision recommended by the conferees consists of the following major elements:

(1) The total amount that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500 million.

(2) The baseline for fiscal year 1993 is the sum of the amounts specified for operation and maintenance; family housing, operations; family housing, construction; and military construction (including NATO Infrastructure) in the January 1992 DOD report, *Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding*.

(3) The provision expresses the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as the number of U.S. military personnel stationed overseas declines and as U.S. allies assume an increased share of the costs of overseas U.S. military installations.

(4) The reductions set forth in the provision for fiscal year 1993 and future fiscal years may be offset by increases in host-nation support, the accelerated withdrawal of overseas U.S. forces, or other measures. For fiscal year 1993, the conferees recommend reductions in the amounts requested for overseas operation and maintenance and military construction to meet the overall reduction in overseas defense spending required by this provision. The following reductions for fiscal year 1993 are displayed in the operation and maintenance and military construction tables elsewhere in this statement of the managers: (1) −$250 million in overseas operation and maintenance; (2) −$112 million in overseas military construction projects; and (3) −$161 million in the NATO Infrastructure account.

(5) The savings realized as a result of the reduction required by this provision for fiscal year 1993 will be allocated for operation and maintenance and military construction at military facilities in the United States.

(6) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into revised host-nation agreements with certain U.S. allies in which they agree to assume an increased share of the costs of overseas U.S. military installations.

The annual *Report on Allied Contributions to the Common Defense*, required by section 1003 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98-525), was due to the Congress on April 1, 1992. However, the report was transmitted to Congress on September 11, 1992, far too late to be of use during this authorization cycle. The Congress needs information contained in this report to make reasoned judgments on the status of burdensharing. The conferees expect that this report for 1993 will be transmitted by the date required by law.

Overseas military end strength (sec. 1302)

The House bill contained a provision (sec. 1058) that would prohibit on and after September 30, 1995 the use of appropriated funds to support an end strength level of U.S. military personnel permanently stationed ashore outside the United States in excess of 60 percent of the end strength level of such personnel on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date in the House pro-

vision from September 30, 1995 to September 30, 1996.

Reduction in the authorized end strength for military personnel in Europe (sec. 1303)

The House bill contained a provision (sec. 1057) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1995.

The Senate amendment contained a provision (sec. 1063) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1996.

The House recedes.

The conferees intend that each Service take a proportional share of the reduction of end strength, to the extent practical, consistent with the overall restructuring that will be required to reduce to the 100,000 level. Based on estimates of the U.S. European Command of the mix at the 150,000 level, such a reduction would result in an approximate mix of 60 percent for the Army, 30 percent for the Air Force, and 10 percent for the Navy.

Reports on overseas basing (sec. 1304)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to submit an annual report on the overseas basing plan of U.S. forces, the status of overseas base closures and the associated negotiations schedule, the potential savings and residual value of such closures, and the efforts to obtain increased host nation support. The House provision also would require a report on the budgetary implications of overseas basing agreements in advance of signing such agreements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for the expiration of these requirements at the end of five years.

Burdensharing contributions by Kuwait (sec. 1305)

The House bill contained a provision (sec. 1070) that would add Kuwait to those countries (Japan and South Korea) from which the Defense Department may accept cash burdensharing contributions. The provision would also delete the requirement in section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that the Defense Department use these burdensharing contributions to offset U.S. costs only in the country making the contribution.

The Senate amendment contained no similar provision.

The Senate recedes. Although the House provision would allow the Defense Department to spend contributions outside the country that made them, the conferees emphasize that such "out-of-country" expenditures are to be made only with the agreement of the contributing country, and are to be spent only on costs specified in section 1045(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that are directly related to U.S. military activities in the contributing country. The conferees expect the quarterly report required by section 1045(f) to fully explain the relationship between any "out-of-country" costs and the "in-country" U.S. military activities they support.

Cooperative military airlift agreements (sec. 1311)

The Senate amendment contained a provision (sec. 1055) that would lengthen from 3 months to 12 months the period of time over which the credits and liabilities of cooperative military airlift agreements must be liquidated.

The House bill contained no similar provision.

The House recedes.

Cooperative agreements with allies (sec. 1312)

The Senate amendment contained a provision (sec. 362) that would relax the geographic restrictions that limit the authority of U.S. military forces to acquire logistics support, supplies, and services from NATO allies and certain non-NATO countries.

The House bill contained no similar provision.

The House recedes.

The conferees are concerned over the imbalance in the cross-servicing agreements that has evolved since the enactment of the North Atlantic Treaty Organization Mutual Support Act of 1979 (Public Law 96-323). The Defense Department reported in its 1992 annual report that the United States purchased $103 million worth of services from NATO allies compared to only $7 million purchased from the United States.

The purchases made by the United States included war readiness material, contractor storage and repair support, wartime host nation support, and support for exercises. The conferees believe these costs should be shared by U.S. allies. NATO has now agreed that such costs are eligible for funding from the NATO infrastructure account. Therefore, the conferees direct the Secretary of Defense to conduct negotiations for actual funding of these costs either directly or through the NATO infrastructure account and to include in the Secretary's annual report on these agreements and transactions, efforts to achieve allied offsets to these costs.

Authority for government of Oman to receive excess defense articles (sec. 1313)

The House bill contained a provision (sec. 1067) that would amend section 516(a) of the Foreign Assistance Act of 1961 to make Oman eligible to receive excess defense articles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would achieve the same purpose as the House provision but by a different change in section 516(a) of the Foreign Assistance Act of 1961.

Future of the North Atlantic Treaty Organization (sec. 1314)

The Senate amendment contained a provision (sec. 1073) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report to Congress which would analyze the foreseeable threats to the security of the North Atlantic Treaty Organization (NATO) member nations, determine whether there is a requirement to revise the North Atlantic Treaty to meet future challenges, and assess the extent to which the Treaty permits the use of NATO forces for peacekeeping purposes and the range of peacekeeping missions that should be considered. The Senate amendment also contained a related provision (sec. 1066) that would express the sense of the Senate that the United States should open discussions with NATO member nations with a view toward broadening NATO's mission to include common transatlantic security concerns, including those beyond NATO's geographic boundaries.

The House bill contained no similar provisions.

The House recedes with an amendment. The conferees recommend a provision that would combine the two provisions contained in the Senate amendment, direct that the report be delivered to the Senate and House Committees on Armed Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, and provide that the report be provided by the President rather than the Secretary of Defense in consultation with the Secretary of State.

Nuclear weapons reductions (sec. 1321)

The House bill contained a provision (sec. 1059) that would declare that it shall be the goal of the United States to pursue a number of policy objectives related to securing, reducing, and eventually eliminating the nuclear weapons possessed by the United States, Russia, France, Britain, China, and other nuclear-weapons states. The provision would also direct the President to submit an annual report on the actions taken by the United States and other nations during the previous year to achieve these policy objectives and the actions the United States planned to take during the next year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would revise several of the policy objectives to reflect recent developments in the area of arms control.

Volunteers investing in peace and security (sec. 1322)

The House bill contained a provision (sec. 1060) that would require the Secretary of Defense to establish the volunteers investing in peace and security (VIPS) program. This voluntary corps of veterans would use the commitment and skills (logistics, health care, engineering, nuclear plant safety, environmental cleanup, communications, and other skills) of retiring and separating servicemembers to assist the independent states of the former Soviet Union as they build a more secure future.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary of Defense with discretionary authority to establish this program.

The conferees note that the VIPS program offers the unique advantage of providing quality, cost-effective assistance to the independent states of the former Soviet Union while opening job opportunities for servicemembers leaving active duty as the nation continues a 25 percent reduction of the armed forces.

Report on U.S. strategic posture in the Middle East and Persian Gulf region (sec. 1331)

The Senate amendment contained a provision (sec. 1041) that would direct the Secretary of Defense to provide a report on the U.S. strategic posture in the Middle East/Persian Gulf region.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition on contracting with supporters of the secondary Arab boycott of Israel (sec. 1332)

The Senate amendment contained a provision (sec. 1043) that would codify in permanent law a prohibition against Department of Defense contracting with foreign firms that participate in the secondary Arab boycott of Israel.

The House bill contained no similar provision.

The House recedes with a technical amendment.

United Nations peacekeeping and enforcement report (sec. 1341)

The Senate amendment contained a provision (sec. 1062) that would require the President to submit a report to Congress on the proposals of the Secretary General of the United Nations in his report to the Security Council entitled *Preventive Diplomacy, Peacemaking and Peacekeeping*.

The House bill contained no similar provision.

The House recedes. The conferees expect both the Secretary of State and the Secretary of Defense to be major contributors to the President's report and expect the report to discuss the policy implications of Department of Defense funding of peacekeeping activities and the assignment of responsibility for international peacekeeping and enforcement activities between those two cabinet officials. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Support for peacekeeping activities (sec. 1342)

The House bill contained a provision (sec. 1069) that would authorize the Secretary of a military department to contribute or lend supplies and equipment to the United Nations to support international peacekeeping activities.

The Senate amendment contained a provision (sec. 1064) that would authorize the Secretary of Defense, to the extent provided in annual authorization and appropriation acts, to furnish assistance, including funds, supplies, and equipment, by loan or contribution in support of international peacekeeping activities of the United Nations or a regional organization. Funds would be provided under certain limited circumstances and conditions and would be subject to a 30 days advance notice to Congress. For fiscal year 1993, such assistance would be limited to $300.0 million and would be subject to a determination by the Director of the Office of Management and Budget that the expenditure can be counted against the defense category.

The House recedes with an amendment that would include services as a form of assistance that could be provided; delete the authority to make loans; use the costs rather than assessments for peacekeeping as the baseline for determining the circumstances and conditions of fund availability; explicitly provide that this authority is restricted to meet unexpected and urgent peacekeeping requirements; and terminate the Secretary's authority on September 30, 1993.

The conferees emphasize that this authority is subject to annual defense authorization and appropriation acts and will be carefully examined next year, together with the review of the President's report on United Nations peacekeeping and enforcement provided for elsewhere in this act.

Prohibition on payment of severance pay to certain foreign nationals in the Philippines (sec. 1351)

The House bill contained a provision (sec. 365) that would prohibit the Defense Department from paying severance pay to DOD foreign nationals in the Philippines if the foreign nationals employment is discontinued because of the termination of U.S. basing rights.

The Senate amendment contained no similar provision.

The Senate recedes.

Revision of rules concerning severance pay for foreign nationals (sec. 1352)

The House bill contained a provision (sec. 366) that would repeal section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) concerning the effective date of the prohibition of paying severance costs to foreign nationals working at overseas U.S. bases that are closed at the request of the government of that country.

The Senate amendment contained a provision (sec. 823) that would authorize the Secretary of Defense to waive the prohibition on the payment of severance costs to U.S. contractors where such payments are generallly required by host nation laws.

The Senate recedes with an amendment that would combine the House and Senate provisions into one provision. The conferees agree that the President should enter into active negotiations to have severance pay costs assumed by host nations by October 1, 1994.

Extension of overseas workload program (sec. 1353)

The House bill contained a provision (sec. 1054) that would renew for fiscal year 1993 authority for the maintenance and overhaul of U.S. military equipment outside the theater in which it is normally located unless a service secretary determined that performing the maintenance and overhaul outside the theater would adversely affect military preparedness or would violate an international agreement.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of providing forward presence of naval forces during peacetime (sec. 1361)

The Senate amendment included a provision (sec. 1042) that would require the Secretary of Defense to submit a report on alternative methods for providing forward presence. The provision would prevent obligating shipbuilding and conversion, Navy funds for the carrier replacement program for fiscal year 1994 until the Secretary has submitted this report.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the carrier replacement program obligation limitation.

Permanent authority to pay certain expenses of personnel of developing countries for attendance at bilateral or regional cooperation conferences (sec. 1362)

The Senate amendment contained a provision (sec. 1057) that would make permanent the authority of the Secretary of Defense to pay the travel, subsistence, and similar expenses of defense personnel of developing countries in connection with their attendance at defense meetings.

The House bill contained no similar provision.

The House recedes.

Report on proliferation of military-based satellites (sec. 1363)

The House bill contained a provision (sec. 1065) that would require the Secretary of Defense to submit a report to Congress on the proliferation of satellites with military applications; current and planned U.S. efforts to develop an antisatellite capability to counter this proliferation; and U.S. military requirements for antisatellite capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two sections to the report requirement. One would require a review of other measures that the United States might use to counter satellites, and the other would require an assessment of the likelihood of any Third World country with access to militarily useful satellites being able to obtain or develop an effective antisatellite capability.

In addition, the conferees direct the Secretary to submit his report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

Report on international mine clearing (sec. 1364)

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

The House bill contained no similar provision.

The House recedes with a technical amendment that would specify that the report shall be submitted to Congress. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Landmine export moratorium (sec. 1365)

The Senate amendment contained a provision (sec. 1072) that would prohibit for one year the export of anti-personnel landmines.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISION NOT ADOPTED

Sale to Korea of obsolete ammunition from war reserve stocks

The Senate amendment contained a provision (sec. 361) that would authorize a one-time sale of obsolete ammunition to South Korea at a price negotiated by the Secretary of Defense, but not less than the ammunition's salvage value.

The House bill contained no similar provision.

The Senate recedes. The conferees understand that the Defense Department is interested in transferring to South Korea a variety of obsolete or surplus equipment, in addition to the obsolete ammunition that is the subject of the Senate provision. Rather than consider this possible transfer on a piecemeal basis, the conferees agree to defer the Senate provision so that the Congress may consider in 1993 the entire package of equipment that the Defense Department may propose to transfer to South Korea.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Demilitarization of the former Soviet Union (secs. 1401-1441)

The House bill contained several provisions (title XI) dealing with nuclear weapons nonproliferation, including section 1106 and sections 241-243, which concerned weapons destruction and demilitarization in the former Soviet Union. Section 1106 would extend through fiscal year 1993 the authority to expend the remainder of the $400 million authorized in the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) for destroying the weapons of the former Soviet Union and preventing their prolifera-

tion. It would also authorize an additional $250 million for the same purposes. Sections 241–243 would encourage the Secretary of Defense to participate actively in joint research and development programs with the states of the former Soviet Union and would authorize the Secretary to spend not more than $25 million in fiscal year 1993 for technical cooperation and participation, in-kind assistance, and other activities in such programs. The purposes of these programs would include demilitarizing the industries of the former Soviet Union and preventing the proliferation of its weapons.

The Senate amendment contained provisions (title XI) that, in addition to the measures in section 1106 of the House bill, would authorize another $150 million for such programs and extend their scope to include the industrial demilitarization of the former Soviet Union as well as the expansion of military-to-military contacts between the United States and the independent states of the former Soviet Union. The Senate amendment would also stipulate that the presidential certifications regarding recipient countries required under the Soviet Nuclear Threat Reduction Act of 1991 be made annually. The Senate amendment contained no provision similar to sections 241–243 of the House bill.

The conferees agree to combine the provisions of the House bill and the Senate amendment. The conferees agree that the primary focus of the activities authorized under this title should be on the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction, as well as on the nonproliferation of such weapons and their components. The conferees also believe that prudent and measured U.S. assistance in demilitarizing the defense industries of the former Soviet Union can help reduce the potential threat posed by the former Soviet Union's still robust defense establishment.

The conferees believe that U.S. government funding to assist demilitarizing the defense industries of the former Soviet Union should, to the extent possible, be directed to facilitating the involvement of the U.S. private sector in that process. Such funding should be used, pursuant to an interagency strategy coordinated throughout the relevant components of the U.S. government, to improve the environment for investment by U.S. firms in redirecting the human and material resources of the former Soviet Union's defense sector to meet pressing civilian needs and creating mutually beneficial commercial opportunities. The conferees believe that the provisions in sections 241–243 of the House bill can contribute significantly to such undertakings.

The conferees have in mind industrial demilitarization projects that would directly contribute to the elimination of military production capability, especially in the area of weapons of mass destruction. The conferees believe that a modest use of U.S. government funds can assist in eliminating defense production capability in the former Soviet Union and foster a significant investment of U.S. private sector funds, while bringing profits to U.S. firms and the American economy. The conferees foresee, as discussions with administration officials indicate, that no more than about $40 million for such industrial demilitarization projects would be proposed to the Congress for obligation during fiscal year 1993.

The conferees find that the experience to date of the former Soviet Union in industrial demilitarization indicates that this undertaking can waste ill-considered investments. To help insure that funds available under this title are used effectively to advance U.S. interests, the conferees have established specific requirements for advance notifications of any proposal to obligate funds for industrial demilitarization in the former Soviet Union.

The conferees also agree that, at a time when the countries of the former Soviet Union are forming their respective defense establishments and military doctrines, intensified contacts between them and U.S. defense officials are timely. Such contacts, if carefully conceived and selectively executed, can help shape the militaries of these countries along non-threatening, democratic lines and thus advance U.S. national security interests.

Therefore, the conferees urge the Secretary of Defense to establish programs to accelerate and intensify contacts and cooperation between the Department of Defense and selected elements of the ministries of defense and armed forces of the states of the former Soviet Union. The conferees believe that such programs should include those to promote (1) civil-military relations appropriate to democratic societies; (2) openness and transparency in defense establishments, policy, doctrine, forces, budgets, and programs; and (3) cooperation, education, advice, and training in areas of shared security interests.

The conferees agree to limit funding under this title for military-to-military contacts to not more than $15 million.

The conferees further agree to limit expenditures for other specifically authorized activities as follows: (1) not more than $25 million for joint research and development conducted by the nongovernmental foundation established in the Freedom Support Act; (2) not more than $10 million for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region; (3) not more than $25 million for the activities of Project Peace as outlined in Senate Report 102–408 accompanying the Fiscal Year 1993 Department of Defense Appropriations bill; and (4) not more than $10 million for the volunteers investing in peace and security (VIPS) program, as outlined in section 1322 of this act.

TITLE XV—NON-PROLIFERATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

International nuclear nonproliferation (secs. 1501–1505)

The amended budget request contained no funding for international nonproliferation activities.

The House bill contained provisions (title XI) aimed at reducing the threat of nuclear proliferation. Section 1103 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating them with those of other U.S. Government agencies. Section 1104 of the House bill would support the development of technologies to improve the capabilities to detect and monitor proliferation activities. That section would authorize $20.0 million for DOD nonproliferation technology programs, such as improved sensors for radiation detection, effluent analysis, and seismic stations. It would also authorize $40.0 million for DOE nonproliferation activities in areas such as verification technology, nuclear safety, and nuclear security. Section 1105 of the House bill would encourage the Secretary of Defense and the Secretary of Energy to participate actively in U.S. efforts to stem the proliferation of nuclear weapons. It would authorize up to $40.0 million that the Secretary of Defense and Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, could spend in support of and for technical cooperation with international organizations to establish more effective safeguards against proliferation and combat the threat of nuclear terrorism and nuclear accidents.

The Senate amendment contained a provision (sec. 1075) that would authorize the Secretary of Defense to furnish assistance in support of international nuclear nonproliferation activities. DOD assistance in support of international activities would include provision of supplies and equipment from existing stocks and financial support from amounts appropriated for DOD for fiscal year 1993 or from balances in the working capital accounts. The provision of DOD support would require a determination by the Secretary of Defense that provision of this support was in the national security interests of the United States and that the provision of support would not adversely affect military preparedness. Support for international organizations would be limited to $20.0 million and could only be furnished if Department of State funds for contributions to international organizations were found insufficient or not available to meet U.S. fair share assessments for international nuclear nonproliferation activities. In addition, $20.0 million could be used for the On-Site Inspection Agency (OSIA) in support of the United Nations Special Commission on Iraq.

The Senate amendment would also provide an additional $86 million for verification and control technology in support of President Bush's nonproliferation initiative.

The Senate recedes with an amendment.

The conferees recommend a provision (sec. 1502) that would incorporate the concerns of Congress about the growing threat to U.S. national security of the proliferation of weapons of mass destruction and missile, delivery systems. The provision would emphasize Congress' support for increased funding for nonproliferation technologies, and encourage more active support by DOD and DOE for nonproliferation activities. Another provision (sec. 1504) would highlight programs funded in appropriate accounts elsewhere in the act, including $20.0 million for seismic research and nuclear proliferation detection technology programs at the Defense Advanced Research Projects Agency (DARPA) as part of its strategic technology program. In addition, section 1505 would encourage DOD to provide increased support for international nonproliferation activities, such as the activities of the International Atomic Energy Agency (IAEA) and the U.N. Special Commission on Iraq, that are designed to ensure more effective safeguards against the proliferation of nuclear weapons and other weapons of mass destruction. To that end, the provision would authorize DOD to spend up to $40.0 million for these activities, in the form of funds as well as in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

The conferees are concerned that in this era of declining defense budgets, DOD and DOE should seek to eliminate duplication of effort in research and development programs by improving the coordination and integration of all nonproliferation detection and monitoring research and development programs currently being conducted in DOD and its agencies as well as DOE and the national

laboratories. This includes R&D programs that may have application to arms control compliance research and development activities. Section 1503 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating these activities with those of other departments and agencies. Additionally, the conferees encourage DOD and DOE to combine their efforts in joint projects, like the LIDAR (laser imaging detection and ranging) program, an emerging laser technology for remote sensing, detection, and monitoring of the clandestine production of chemical, biological, and nuclear weapons. The conferees note that DOD tasked DARPA to conduct a survey of all existing federal R&D technologies which might have application to nuclear proliferation monitoring. The conferees direct that this report be provided promptly to the congressional defense committees in advance of the final report required under this provision.

The conferees agree that the funding in this act represents a significant step toward the funding levels supported by the President and a substantial initiative in combatting proliferation of mass destruction. In addition, given the expanded demands for training in the area of international safeguards and the handling of nuclear materials, the conferees encourage the President to include in the budget submission for fiscal years 1994/1995 the resources necessary to meet this rapidly growing demand.

TITLE XVI—IRAN-IRAQ ARMS NONPROLIFERATION ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Iran-Iraq Arms Nonproliferation Act of 1992 (secs. 1601–1608)

The Senate amendment contained provisions (title XIV) that would establish new sanctions on countries and individuals who supply nuclear, chemical, biological, or advanced conventional weapons and related technology to Iran or Iraq. The provision would extend certain sanctions to Iran, which were imposed on Iraq following the invasion of Kuwait. Specifically, the sanctions would prohibit: (1) arms sales under the Arms Export Control Act; (2) export licenses for controlled items on the U.S. Munitions List; (3) export licenses under the Export Administration Act for arms-related products; and (4) Nuclear Regulatory Commission licenses or distributions of nuclear material under the Atomic Energy Act.

The provision would establish extensive new sanctions against suppliers to Iraq or Iran of nuclear, chemical, or biological weapons and related technology, as well as certain destabilizing advanced conventional weapons (a category of weapons and technology to be determined by the President). The limited-time sanctions (which would be mandatory and discretionary) include: (1) debarment from U.S. government contracting; (2) prohibition on export licenses for suppliers; and (3) suspension of U.S. government assistance to supplier countries. The provision would require the President, in a report to Congress, to identify publicly suppliers of arms to Iraq and Iran. The provision would allow the President to waive sanctions for reasons of national interest.

The House bill contained no similar provision.

The House recedes with an amendment.

The conference agreement would generally mandate sanctions on companies and individuals determined to have knowingly and materially contributed to the efforts of Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons or to acquire other weapons of mass destruction.

The conferees would like to clarify one point concerning the timing of determinations that a company or individual has transferred goods or technology to Iran or Iraq contrary to this conference agreement. In rare circumstances, a premature determination that sanctions should be imposed could inhibit the full flow of information about weapons proliferation that might otherwise be acquired. The conferees understand that this legislation does not dictate the timing of sanctions. Accordingly, the President, in rare circumstances, may delay a determination that a company or individual has materially and knowingly made a transfer that is subject to a sanction under this conference agreement if such delay is necessary to protect intelligence sources or methods essential to the acquisition of further intelligence about proliferation. Such a delay would be appropriate, for example, when the United States is using sensitive sources or methods to gather information on other proliferation, or where additional time is needed to develop nonsensitive information that could be used to explain publicly the imposition of sanctions. However, such a delay should not be indefinite, because the ultimate purpose of these provisions is to sanction those persons that are known to be materially and knowingly involved in weapons proliferation. Moreover, the delay should be only for the purpose of furthering the policy of sanctioning proliferators. A delayed determination would not be justified to further any other policy.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cuban Democracy Act of 1992 (secs. 1701–1712)

The Senate amendment contained provisions (secs. 1201–1212) that would establish certain policies toward Cuba.

The House amendment contained no similar provisions.

The House recedes with an amendment that would make the following changes to the Senate provisions: (1) delete the statement in section 1203 that it should be U.S. policy to prevent Cuba from evading the U.S. embargo of Cuba through a North American Free Trade Agreement; (2) delete the requirement in section 1208 that the President enter into negotiations for a trade framework agreement with a democratic Cuban government; and (3) make a technical change in section 1206.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Federal charters for patriotic organizations (secs. 1801–1838)

The Senate amendment contained provisions (secs. 1046 and 1047) that would grant federal charters to two nonprofit service organizations, The Military Order of the World Wars and the Retired Enlisted Association.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The amended budget request for fiscal year 1993 contained $10,183,492,000 for military construction and family housing.

The House bill would authorize $10,385,653,000 for military construction and family housing.

The Senate amendment would provide $8,933,398,000 for this purpose.

The conferees recommend authorization of $8,798,832,000 for military construction and family housing in fiscal year 1993.

FY 1993 MILITARY CONSTRUCTION
AUTHORIZATION OF APPROPRIATIONS
RECAPITULATION
[In thousands of dollars]

	BUDGET REQUEST	PASSED HOUSE	PASSED SENATE	CHANGE TO REQUEST	FINAL CONFERENCE AGREEMENT
ARMY	995,548	997,518	516,400	(524,888)	470,660
NAVY	838,848	853,425	354,109	(434,999)	403,849
AIR FORCE	1,150,844	1,080,594	805,530	(299,864)	850,980
DEFENSE AGENCIES	451,468	489,618	252,196	(97,022)	354,446
NATO INFRASTRUCTURE	221,200	121,200	221,200	(161,200)	60,000
BASE REALIGN & CLOSURE, 1988	440,700	440,700	440,700	0	440,700
BASE REALIGN & CLOSURE, 1991	1,743,600	1,743,600	1,743,600	0	1,743,600
ARMY NATIONAL GUARD	46,700	217,711	138,677	161,972	208,672
AIR NATIONAL GUARD	173,270	261,259	229,679	132,489	305,759
ARMY RESERVE	31,500	31,500	36,505	3,350	34,850
NAVY RESERVE	37,772	37,772	15,715	(20,572)	17,200
AIR FORCE RESERVE	52,880	56,380	34,353	(16,300)	36,580
FY 1989 DEAUTHORIZATIONS	0	0	(9,440)	(9,440)	(9,440)
FY 1990 DEAUTHORIZATIONS	0	0	(6,550)	(6,550)	(6,550)
FY 1991 DEAUTHORIZATIONS	0	0	(21,428)	(21,428)	(21,428)
FY 1992 DEAUTHORIZATIONS	0	0	(34,590)	(34,590)	(34,590)
TOTAL MILITARY CONSTRUCTION	6,184,330	6,331,277	4,716,656	(1,329,042)	4,855,288
FAMILY HOUSING CONSTRUCTION, ARMY	175,600	211,400	196,000	(15,560)	160,040
FAMILY HOUSING SUPPORT, ARMY	1,380,390	1,375,390	1,380,390	(16,820)	1,363,570
PORTION APPLIED TO DEBT REDUCTION	127	127	127	0	127
FAMILY HOUSING CONSTRUCTION, NAVY	321,070	339,640	491,750	64,364	385,434
FAMILY HOUSING SUPPORT, NAVY	696,177	696,177	696,177	(34,931)	661,246
FAMILY HOUSING CONSTRUCTION, AIR FORCE	322,110	332,954	348,610	(38,324)	283,786
FAMILY HOUSING SUPPORT, AIR FORCE	942,288	937,288	942,288	(14,347)	927,941
FAMILY HOUSING CONSTRUCTION, DEF AGENCIES	0	0	0	0	0
FAMILY HOUSING SUPPORT, DEF AGENCIES	28,400	28,400	28,400	0	28,400
HOMEOWNERS ASSISTANCE FUND	133,000	133,000	133,000	0	133,000
TOTAL FAMILY HOUSING	3,999,162	4,054,376	4,216,742	(55,618)	3,943,544
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING	10,183,492	10,385,653	8,933,398	(1,384,660)	8,798,832

TITLE XXI—ARMY

FISCAL YEAR 1993

The House bill would authorize $2,717,435,000 for Army military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,221,967,000 for this purpose.

The conferees recommend authorization of $2,127,397,000 for military construction and family housing for the Army for fiscal year 1993.

TITLE XXII—NAVY

Fiscal Year 1993

The House bill would authorize $1,889,242,000 for Navy military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $1,542,036,000 for this purpose.

The conferees recommend authorization of $1,450,529,000 for military construction and family housing for the Navy for fiscal year 1993.

Power plant relocation, Navy Public Works Center, Guam (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2201(b) of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456), which authorized $27.8 million for the construction of a power plant at Naval Station Subic Bay, Philippines. The amendment would provide for the siting of the power plant at Navy Public Works Center, Guam.

The House bill contained no similar provision.

The House recedes.

Revised authorizations for certain Marine Corps projects (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would repeal an authorization of $8.3 million for a forward training area at Marine Corps Air Station, Cherry Point, North Carolina, and authorize in lieu thereof the following projects:

Installation	Facility	Millions
MCAS Cherry Point	Air control operations facility	$3.0
MCAS Cherry Point	Aviation supply warehouse	1.68
MCAS New River	Physical fitness center	3.6

The House bill contained no similar provision.

The House recedes.

Defense access roads, Naval Station Pascagoula, Mississippi (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would direct the Secretary of the Navy to expend, from amounts previously authorized for appropriation in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), such amounts as are needed for the planning and design of defense access roads critical to the access of Naval Station Pascagoula, Mississippi.

The House bill contained no similar provision.

The House recedes.

Military family housing, Naval Air Station Whidbey Island, Washington (sec. 2208)

The Senate amendment contained a provision (sec. 2208) that would direct the Secretary of the Navy to initiate design of 300 units of military family housing at Naval Air Station, Whidbey Island, Washington, in fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Military construction, United States Naval Academy, Annapolis, Maryland

The conferees recommend an authorization of $6.5 million for the construction of a physical fitness center at the United States Naval Academy. The conferees intend that funds to construct this facility shall be obligated only if this facility is designed and operated in support of the entire student body, faculty, and staff populations.

TITLE XXIII—AIR FORCE

Fiscal Year 1993

The House bill would authorize $2,350,836,000 for Air Force military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,064,428,000 for this purpose.

The conferees recommend authorization of $2,062,707,000 for military construction and family housing for the Air Force for fiscal year 1993.

Child development center relocation, Buckley Air National Guard Base, Colorado (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would approve the resiting of a child development center authorized in section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) from Lowry Air Force Base, Colorado, to Buckley Air National Guard Base, Colorado.

The House bill contained no similar provision.

The House recedes.

Authorized family housing lease projects (sec. 2306)

The Senate amendment contained a provision (sec. 2306) that would authorize certain military family housing build-to-lease projects under the authority of section 2835 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Authorized military housing rental guarantee projects (sec. 2307)

The Senate amendment contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to enter into certain rental guarantee agreements for military family housing under the authority of section 2836 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Termination of authority to carry out certain projects (sec. 2308)

The Senate amendment contained a provision (sec. 2308) that would repeal certain authorizations contained in the National Defense Authorization Acts for Fiscal Years 1991 and 1992/1993 (Public Laws 101-510 and 102-190). These projects are no longer required.

The House bill contained no similar provision.

The House recedes.

Langley Air Force Base, Virginia

The conferees agree to authorize $5.3 million for urgently needed facilities at Langley Air Force Base, Virginia, to effect the consolidation of the former Tactical Air Command and Strategic Air Command into the Air Combat Command. The Secretary of the Air Force is directed to submit a request for reprogramming of funds to the appropriate defense committees as soon as possible in order to address this urgent requirement.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1993

The House bill would authorize $2,702,318,000 for Defense Agencies military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,496,896,000 for this purpose.

The conferees recommend authorization of $2,567,146,000 for military construction and family housing for Defense Agencies for fiscal year 1993.

Energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects under section 2865 of title 10, United States Code, using amounts authorized for appropriation in fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Army Institute of Research, Walter Reed Army Medical Center, District of Columbia

The conferees agree to the administration request for authorization of $147.3 million for the construction of a replacement facility for the Army Institute of Research at Walter Reed Army Medical Center. The first phase of construction, $13.3 million, is authorized for appropriation in fiscal year 1993. The remaining construction will be phased over fiscal years 1994 and 1995.

None of the funds authorized for this purpose may be obligated until 60 days after the Department of Defense provides the congressional defense committees a long-range plan for adjusting the military medical infrastructure to bring it in line with the reduced military force structure and the rising cost of medical care.

The conferees recognize that the facilities occupied by the Army Institute of Research are clearly substandard and need replacement. For this reason, the conferees support the substantial capital commitment to provide a replacement facility. However, the conferees also believe that the Department must have a clear, long-term facility plan within which to justify decisions to spend very substantial sums to capitalize facilities to support medical research and education. Consequently, obligation of funds to proceed with the new facility for the Army Institute of Research shall not be made until the congressional defense committees have an opportunity to assess such plans.

TITLE XXV—NATO

FISCAL YEAR 1993

The House bill would authorize $121,200,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1993.

The Senate amendment would authorize $221,200,000 for this purpose.

The conferees recommend authorization of $60,000,000 for this purpose.

NATO infrastructure

The House bill contained an authorization of $121.2 million for the NATO Infrastructure account, while the Senate amendment contained an authorization of $221.2 million for this purpose.

In recognition of the level of funding provided by the conferees to the Military Construction Appropriation Act for Fiscal Year 1993, the conferees agree to an authorization of $60 million.

The conferees appreciate the funding constraints that faced the Appropriations Committees, and also recognize the substantial levels of unobligated balances that the NATO Infrastructure account currently en-

joys. However, the conferees are concerned that the reduced level of funding may suggest a lack of congressional support for this important burdensharing mechanism.

While the conferees support the use of the NATO Infrastructure program to capitalize and maintain essential alliance facilities, they encourage the NATO leadership to expeditiously develop a revised infrastructure investment program that supports the alliance's revised strategic goals and recognizes the reduced funding available to member nations. In this regard, the conferees are encouraged by recent negotiations which may provide for additional alliance support for the operating costs of forward deployed U.S. forces in Europe.

TITLE XXVI—GUARD AND RESERVE

FISCAL YEAR 1993

The House bill would authorize $604,622,000 for military construction for fiscal year 1993 for the Guard and Reserve components.

The Senate amendment would authorize $458,879,000 for this purpose.

The conferees recommend authorization of $603,061,000 for military construction for fiscal year 1993. This authorization would be distributed as follows:

Army National Guard	$208,672,000
Army Reserve	34,850,000
Naval/Marine Corps Reserve	17,200,000
Air National Guard	305,759,000
Air Force Reserve	36,580,000

Reductions in certain prior year authorizations of appropriations for Air Force Reserve military construction projects (sec. 2604)

The Senate amendment contained a provision (sec. 2602) that would reduce the Air Force Reserve authorization for fiscal years 1989, 1990, and 1991 to adjust for projects requested for those years that are no longer required.

The House bill contained no similar provision.

The House recedes.

Unauthorized appropriations

The committee recommends authorization of the following Army National Guard projects for which funds were appropriated in fiscal year 1992:

[In thousands of dollars]

Add/alter CSMS, Stockton, California	$1,613
Indoor range conversion, California	2,172
Physical training facility, Camp Dodge, Iowa	960
Hawk training site, New Mexico	1,546
Armory, McConnelsville, Ohio	4,669
Training facility, Camp Swift, Texas	5,138
Armory renovation, Victoria, Texas	399

Reserve component facilities requirements

The conferees note that the Department of Defense Inspector General and the Service audit agencies have issued a series of reports over the last year concerning military construction projects for the reserve components. Many of these reports have criticized the methodology used to determine the size and scope of these projects, concluding that they were substantially oversized for the actual needs of the units supported. Similarly, the audits cited a lack of coordination among the reserve components to maximize the use of existing facilities in an area, and the absence of a rigorous economic analysis of proposals for new construction compared to addition and/or alteration of existing facilities.

Management replies to the conclusions and recommendations of these reports have been less than responsive. One report summarizes management's response to five years of audits by noting that while management generally agreed with recommendations to improve the justification process and strengthen internal controls, it did not agree to cancel, downscope, or consolidate construction projects. During that period, the Army Audit Agency had questioned a total of $297 million in construction projects. Similar reactions were noted within the other Services.

The conferees, while not always agreeing with specific audit findings, believe that the DOD Inspector General and the audit agencies' reports provide the military Services valuable opportunities to maximize the use of increasingly scarce construction resources. While the conferees did not agree to the general reductions in reserve component construction recommended by the Senate amendment, they agree that the issue of inadequate justification warrants additional attention by the Department of Defense.

In the coming year, the conferees intend to make the issue of reserve component facility requirements a matter of special interest.

Army Reserve Center, Red Bud, Illinois

The conferees are aware of the interest of the city of Red Bud, Illinois, in hosting a center to support Army Reserve units in southern Illinois. The Secretary of the Army is directed to explore the city's willingness to jointly fund such a center and evaluate whether the needs of the Army Reserve or other reserve components would justify such an initiative.

Should such a center be justified, the conferees believe that design should be initiated in fiscal year 1994, so that the construction can be included in the amended fiscal year 1995 budget request.

TITLE XXVIII—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authority to carry out energy conservation construction projects (sec. 2801)

The House bill contained a provision (sec. 2805) that would amend section 2865 of title 10, United States Code, to allow the Secretary to carry out energy conservation construction projects not previously authorized as specific projects. It included an annual report requirement regarding the use of this authority.

The Senate amendment contained a similar provision (sec. 2801).

The Senate recedes with an amendment that would provide a technical conforming change to section 2865 of title 10, United States Code, to allow defense installations to develop demand reduction and energy conservation programs with utility companies where the needs and conservation potential of such programs would result in significant benefits. The provision would further clarify the authority of the Department to participate in such programs and limit the government's exposure to the cost of utility financing.

The conferees recognize that the energy efficiency improvement projects accomplished under these programs could be of such a scope as might otherwise require the use of military construction funds. However, in light of the mutual benefit of these programs to the Defense Department, utility companies and other rate payers, the conferees support participation in these important energy savings programs.

Authority to construct replacement family housing units (sec. 2802)

The Senate amendment contained a provision (sec. 2805) that would amend sections 2822 and 2825 of title 10, United States Code, to provide the military Services and defense agencies with additional flexibility in making determinations whether to proceed with previously authorized renovations to military family housing or, if unforeseen circumstances suggested that such an approach was uneconomical, permit the use of that authority to construct replacement housing up to the authorized funding level.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the intent of the Senate provision.

Use of proceeds from the transfer or disposal of commissary stores and other facilities and property (sec. 2821)

The Senate amendment contained a provision (sec. 2822) that would amend the Base Closure and Realignment Acts of 1988 and 1990 by altering the formula by which the Defense Commissary Service and nonappropriated fund instrumentalities are reimbursed for investments made in facilities on closing bases. The provision would authorize reimbursement of an amount no greater than the depreciated value of such facilities or improvements.

The House bill contained no similar provision.

The House recedes with an amendment that would extend this policy to similar reimbursements associated with the closure of overseas military bases.

Demonstration project for the use of a national relocation contractor to assist the Department of Defense (sec. 2822)

The House bill contained a provision (sec. 2821) that would direct the Secretary of Defense to contract with a nationwide relocation firm to provide a one-year demonstration project for the management and disposal functions required to administer the homeowners assistance program. The Comptroller General would provide to the Committees on Armed Services of the Senate and the House of Representatives an evaluation of this contract to help determine whether this approach should be applied more broadly.

The Senate amendment contained a similar provision (sec. 2824).

The House recedes with an amendment that would direct that the contract be awarded no later than 30 days after enactment of this act, and that the Comptroller General evaluate it after it has run for one year.

Clarification on availability of excess and surplus federal property to assist the homeless (sec. 2824)

The House bill contained a provision (sec. 2823) that would streamline the reporting of surplus federal buildings and other properties for reuse under the Stewart B. McKinney Homeless Assistance Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide technical changes to the Act regarding the screening of federal property for use in support of sheltering the homeless.

Property shall be considered to remain available for application for use to assist the homeless after the 60 day hold period provided under subsection (d) of the statute unless:

(1) an application for or written expression of interest is made under any law for use of the property for any purpose authorized by that law; or

(2) the Administrator of General Services has received a bona fide offer to purchase the property or has advertised the sale of the property by public auction.

The conferees intend that providers of shelter to the homeless may continue to apply for unused, underused, or surplus federal property after the initial 60 day holding period currently provided by law. The statute continues to provide this period exclusively for consideration of applications for homeless uses. Nothing in this provision is meant to preclude homeless providers from applying for any such property after the 60 day hold period has expired.

Revision of requirements relating to budget data on base closures (sec. 2825)

The Senate amendment contained a provision (sec. 2825) that would amend section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) by refocusing the analysis of the construction costs of closing military bases by the Defense Inspector General from specific construction projects to the overall costs of construction associated with such closures.

The House bill contained no similar provision.

The House recedes.

Treatment of Proposals relating to the Defense Finance and Accounting Service under base closure laws (sec. 2826)

The House bill contained a provision (sec. 373) that would direct the Secretary of Defense, in making siting decisions for new functions of the Defense Finance and Accounting Service (DFAS), to consider the ability of States and communities to compete for such functions, and to provide a report on this issue to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees are skeptical of the appropriateness of the Defense Department's solicitation of local communities to capitalize facilities and subsidize operations of new DFAS centers. While this practice may be narrowly beneficial to DFAS, it flies in the face of the larger pattern of closing military bases and, in many cases, transferring federally financed assets to communities at little or no cost. The conferees believe that the Secretary of Defense, in recommending sites for DFAS consolidated activities, ought to take account of a broader set of considerations than simply the relative economics of proposals made by communities in response to the Department's solicitation. The conferees also hope that the Defense Base Closure and Realignment Commission, in reviewing the Secretary's recommendations, will also take a broader perspective.

Annual report relating to overseas military facility investment recovery account (sec. 2827)

The Senate amendment contained a provision (sec. 2828) that would amend section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by expanding the annual report provided to the Committees on Armed Services of the Senate and House of Representatives concerning deposits into the overseas military facility investment recovery account. The additional data would provide the Committees with an indication of whether the United States was recovering an equitable proportion of its past investment in overseas military bases which it was vacating.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees remain concerned that the United States receive an equitable return of its past investment in overseas bases which are being vacated by U.S. military forces. While the current law envisions that cash payments for residual value by host governments would be used for maintenance and repair or environmental restoration of military facilities in the United States, the conferees are aware of facility needs of overseas bases where United States forces will remain over the long term. For this reason, the current law is amended to permit the use of the proceeds of residual value negotiations to be used for the maintenance and repair of facilities at overseas bases where U.S. forces will remain for the long term, as well as for expenses associated with environmental compliance, but not environmental restoration.

In addition, the amendment would provide a process by which the Secretary of Defense would notify the Congress of those unusual circumstances in which negotiations over residual value might result in non-monetary compensation to the United States. In these cases, Congress would be notified of the reason for such a payment regime, and the options for in-kind payment which the United States would be pursuing.

Modification of land exchange, San Diego, California (sec. 2831)

The House bill contained a provision (sec. 2832) that would amend section 837 of the Military Construction Authorization Act of 1985 (Public Law 98-407) to modify the authority of the Secretary of the Navy to enter into an exchange of land and/or other real property with the City of San Diego. Any acquisition of land or improvements using the proceeds from such an exchange would be subject to appropriation.

The Senate amendment contained a similar provision (sec. 2831).

The Senate recedes.

Land acquisition and exchange, Myrtle Beach Air Force Base and Poinsett Weapons Range, South Carolina (Sec. 2832)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of Defense to enter into a value for value exchange of real estate and improvements at Myrtle Beach Air Force Base, South Carolina, which is closing, for land which is currently being leased for use as Poinsett Weapons Range, South Carolina. The authority would also permit the acquisition of additional land around the range needed to meet current operational and safety needs.

The Senate amendment contained a similar provision (sec. 2832).

The House recedes.

Land conveyance, Pittsburgh, Pennsylvania (sec. 2833)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, approximately 12 acres constituting the former Hays Army Ammunition Plant.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees believe that the Secretary of the Army should proceed with the conveyance of this unused facility as quickly as possible. While authorized to convey this property at no cost, the conferees believe that the Secretary should negotiate the payment of whatever is determined by the Secretary to be the fair market value of the site, taking into account the previous lack of interest on the part of any prospective buyer. The conferees believe that expedited redevelopment of this land is in the best interest of both the Army and the community.

Leases of property at the Naval Supply Center, Oakland, California (sec. 2834)

The House bill contained a provision (sec. 2835) that would authorize the Secretary of the Navy to lease to the Union Pacific Railroad Company approximately 15 acres of land located at the Naval Supply Center, Oakland, California.

The Senate amendment contained a similar provision (sec. 2834) that would clarify the Secretary's authority to negotiate equitable relocation and facility replacement costs, in addition to the fair market value of the long-term lease. It would also direct that the proceeds of the lease be deposited in a special fund established under section 2667 of title 10, United States Code, for this purpose, and used equally by the base and military Service for real property maintenance and environmental restoration.

The Senate amendment contained a second provision (sec. 2835) that would repeal authority to lease certain property at the Naval Supply Center, Oakland, California, which is contained in section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180), and replace it with an expanded authority which would include as potential lessees both the City and Port of Oakland, California.

The House recedes on the provision related to the Union Pacific Railroad, and recedes with an amendment regarding the repeal and reauthorization of the authority to lease property to either the City or Port of Oakland. The amendment would permit proceeds of the latter lease to be used for facility improvements at the Supply Center.

The conferees note that the retention of lease proceeds by an installation runs contrary to current policy, which was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). However, an exception would be approved in this instance inasmuch as tentative agreements among the parties were reached based upon a lease authority that predated the current policy.

While the conferees encourage the multiple use of military installations when such use is compatible with the primary military mission, they intend to adhere to the codified policy regarding the use of the proceeds of such agreements.

Land conveyance, Naval Reserve Center, Santa Barbara, California (sec. 2836)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Navy to convey to the City of Santa Barbara, California, approximately one acre of land with improvements which supports a Naval Reserve Center, as well as United States Coast Guard and National Oceanic and Atmospheric Administration activities. In exchange, the City would pay the United States the lesser of $2.4 million or the cost of constructing a Naval Reserve Center at Naval Construction Battalion Center, Port Hueneme, California. In addition, the City would provide other favorable considerations to the other federal tenants of the Santa Barbara site.

The Senate amendment contained a similar provision (sec. 2837).

The House recedes with an amendment regarding the tenure of the National Oceanic and Atmospheric Administration activities at their current site.

The conferees expect the Department of the Navy to receive from this exchange, on behalf of all federal activities impacted by it, at least fair market value for the property it conveys. Such a determination shall be made by the Secretary of the Navy. In making this determination, the Secretary should take into account the circumstances and terms under which the real property and improvements were originally acquired by the Department of Defense.

Land conveyance, Forest Glen Annex, Walter Reed Army Medical Center, Maryland (sec. 2837)

The House bill contained a provision (sec. 2838) that would direct the Secretary of the Army to convey at no cost approximately 10 acres at the Forest Glen Annex of the Walter Reed Army Medical Center, to the Maryland-National Capital Park and Planning Commission for the purpose of retaining this property as a public recreational site.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Williams Air Force Base, Arizona (sec. 2838)

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to pursue a value for value exchange of land and related interests at Williams Air Force Base, with the State of Arizona for other land and interests within the State.

The Senate amendment contained a similar provision (sec. 2840).

The House recedes.

Modification of land exchange, Burlington, Vermont (sec. 2839)

The Senate amendment contained a provision (sec. 2833) that would amend authority of the Secretary of the Navy to enter into a land exchange with the City of Burlington, Vermont, by extending the expiration date until June 1, 1995.

The House bill contained no similar provision.

The House recedes.

Conveyance of waste water treatment plant, Fort Ritchie, Maryland (sec. 2840)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Army to convey on the basis of fair market value, the waste water treatment plant at Fort Ritchie, Maryland, to the Washington County (Maryland) Sanitary District.

The House bill contained no similar provision.

The House recedes.

Acquisition of interests in land, Naval Radio Station, Jim Creek, Washington (sec. 2841)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Navy to acquire timber rights on approximately 225 acres, a portion of Naval Radio Station, Jim Creek, Washington. Acquisition of these rights will preserve a unique stand of old growth timber and thereby protect the lakes and creeks in the area that provide a mission essential water supply to the installation.

The House bill contained no similar provision.

The House recedes with a technical amendment that would permit the use of unobligated prior year funds for this purpose.

Real Property Conveyance, Naval Station Puget Sound, Everett, Washington (sec. 2842)

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of the Navy to convey three parcels of land in the Puget Sound, Washington, area which are currently underutilized by the Defense Department for family housing. The provision would limit the use of the proceeds of such a conveyance, which would be at no less than fair market value, to the construction of up to 350 units of military family housing to support Naval Station Puget Sound, together with associated survey costs.

The House bill contained no similar provision.

The House recedes with an amendment that would limit this authority to one parcel of land.

Conveyance of Hastings Radar Bomb Scoring Site, Nebraska (sec. 2843)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Air Force to convey to Central Community College, Hastings, Nebraska, the Defense Department's remaining interest in the former Naval Ammunition Depot, Hastings, Nebraska, which served as the support site for a radar bomb scoring unit that has been inactivated. The college would be required to pay no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Abbeville, Alabama (sec. 2844)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, approximately four acres of land located at Abbeville, Alabama. The land was originally donated by the City as the future site of an Army Reserve center. However, the center was not built and none is planned for the foreseeable future.

The House bill contained no similar provision.

The House recedes.

Lease of Hunters Point Naval Shipyard (sec. 2845)

The conferees understand that the Navy and the City of San Francisco, California, are continuing their efforts to consummate a long-term lease of Hunters Point Naval Shipyard, California. The authority for these negotiations was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-501).

The deadline for reaching a final agreement was extended until November 5, 1992, in the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190). Although the lease will not be finalized by this date, the conferees recognize that the Navy and City are proceeding with steps to effect a memorandum of understanding, to solicit public comments, and to complete a final lease by early 1993.

The conferees therefore recommend a provision that would extend the current deadline for executing the lease to May 30, 1993.

Termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia (sec. 2846)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy to negotiate with the Georgia Institute of Technology regarding the termination of the remaining lease by the Navy of approximately two acres of land, and the sale of a government owned Navy Reserve center on that site. The proceeds resulting from such a negotiation, to be no less than fair market value, would be used to the extent needed, to construct a new Naval Reserve center at Dobbins Air Force Base, Georgia. This center would be designed to be collocated with a Marine Corps Reserve Center which is authorized elsewhere in the Senate amendment. Should such a consolidated Marine Corps and Navy Reserve Center result from this provision, it would be under the jurisdiction of the Marine Corps Reserve.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Fort Chaffee, Arkansas (sec. 2847)

The Senate amendment contained a provision (Sec. 2845) that would authorize the Secretary of the Army to convey to the City of Fort Smith, Arkansas, approximately 400 acres of land on Fort Chaffee, Arkansas. In consideration for such a conveyance, the Army would receive in cash or in kind services, no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Technical amendments regarding a land conveyance, Fort A.P. Hill, Virginia (sec. 2848)

The Senate amendment contained a provision (sec. 1078) that would make technical changes to section 603 of the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25). These changes would provide needed flexibility in time and contracting arrangements to permit the construction and operation of a regional prison facility at Fort A.P. Hill, Virginia.

The House bill contained no similar provision.

The House recedes.

Storage of hazardous materials on arsenal property in conjunction with third-party contracts (sec. 2852)

The House bill contained a provision (sec. 2843) that would amend section 2692(b) of title 10, United States Code, to provide the Secretaries of the military Services with the authority to waive the existing prohibition on the storage and disposal of toxic and hazardous materials on military installations if such material is required or generated by a private party in connection with the authorized and compatible use of an industrial facility of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this authority to the storage of hazardous materials.

Report on continued military need for Bellows Air Force Station, Hawaii (sec. 2853)

The House bill contained a provision (sec. 2845) that would direct the Secretary of Defense to provide Congress with a report regarding the continuing military need for Bellows Air Force Station, Hawaii, and the costs and other considerations bearing on alternative sites for the activities at the station.

The Senate amendment contained no similar provision.

The Senate recedes.

Calverton, New York, Pine Barrens Preservation Act (sec. 2854)

The Senate amendment contained a provision (title XXIX) that would direct the Secretary of the Navy, should he declare any portion of the Calverton Pine Barrens as excess to the needs of the Department of the Navy, to designate this tract of approxi-

mately 3,234 acres as a nature preserve which would be restricted in any conveyance document from future commercial development.

The House bill contained no similar provision.

The House recedes.

Coastal barrier (sec. 2855)

The conferees recommend a provision that would correct the misclassification of privately owned properties made by the United States Fish and Wildlife Service during the mapping of areas suitable for addition to the coastal barrier resources system in 1990.

These privately owned parcels were incorrectly identified as "otherwise protected areas" (OPA). The designation as an OPA under the Coastal Barrier Improvement Act of 1990 is reserved for property owned by a State or local government, or properties owned by a private organization primarily for conservation purposes.

Homeowners assistance for Homestead Air Force Base personnel (sec. 2856)

The conferees recommend a provision that would provide financial assistance to Defense Department personnel who owned homes and were stationed at Homestead Air Force Base, Florida, prior to the destruction by Hurricane Andrew.

The provision would extend government assistance similar to that provided under the homeowners assistance program to individual homeowners adversely impacted by decisions to close military installations. While there has been no decision by the Defense Department to close Homestead Air Force Base, the installation has been de facto closed by the storm and its personnel have been permanently reassigned to other installations. Those personnel who own homes in the Homestead area are financially liable for their mortgages, but have been assigned elsewhere.

The provision would allow the Secretary of the Air Force to treat these homeowners in a manner similar to that provided to homeowners at installations undergoing normal base closure proceedings.

LEGISLATIVE PROVISIONS NOT ADOPTED

Transfer of maintenance and repair funding from the operation and maintenance account to the military construction account

The House bill contained three provisions (secs. 2801, 2802 and 2803) that would transfer funding of facility repair, maintenance, alteration, and minor construction in excess of $15,000 from the operation and maintenance account to the military construction account.

The Senate amendment contained no similar provisions.

The House recedes.

The Senate amendment contained a provision (sec. 2803) that would raise the threshold of minor construction projects from $300,000 to $1,000,000.

The House bill contained no similar provision.

The Senate recedes.

Currently, all repair and maintenance, and certain minor construction, are funded from within the operation and maintenance account. The Defense Department proposed that all minor construction and major repair projects valued at over $15,000 be funded within the military construction title of the bill.

The conferees agree that the Department's proposal represents a positive step towards creating a more stable, dedicated funding source for the preservation of its facility inventory. The proposal would insure that funds authorized and appropriated to support the facility infrastructure are actually used for that purpose, and not redirected to other expenses which are also funded within the operation and maintenance account. However, it would preclude the positive influx of funding into the facilities area which has occurred within some of the military Services during the last few years. The proposal would also make maintenance and repair funds available for five years, versus one year for operation and maintenance funds. This flexibility should reduce the incentive to expend funds without due diligence at the end of the fiscal year.

Given the merits of this proposal, the conferees recommend that the Department review the comments of the congressional defense committees on this matter, consider raising the threshold for repair projects funded through the military construction account to a level between $200,000 and $300,000, and resubmit this proposal with the fiscal years 1994/1995 budget submission for further consideration.

Notice and wait requirements for emergency construction

The House bill contained a provision (sec. 2804) that would amend section 2803 of title 10, United States Code, by reducing the current 21 day congressional review period to 5 days for emergency construction in cases vital to national security. The review period for emergency construction for other purposes under this authority would not be altered, nor would the $30 million annual limit for each military Service.

The Senate bill contained no similar provision.

The House recedes.

Exchange of certain real property at Marine Corps Air Station, Tustin, California, for replacement facilities

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Navy to enter into agreements to exchange approximately 1,250 acres of Marine Corps Air Station, Tustin, California, for suitable replacement facilities at Camp Pendleton and/or Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the current mechanism for funding the costs of closing bases and realigning forces, as well as for recovering the proceeds from surplus property sales through the base closure account, represents the quickest and most effective procedure to effect base closures, including MCAS Tustin. Therefore, the conferees direct the Department of Defense to program funds in the base closure account for fiscal year 1994 to begin construction of facilities at Camp Pendleton and MCAGCC Twentynine Palms to receive the forces relocating from MCAS Tustin.

The proposed process of exchanging new facilities at the gaining locations for surplus land at the closing installation is cumbersome and would likely delay the ultimate closure of MCAS Tustin, particularly in light of the requirements for environmental restoration. Further, the inference that proceeds of the sale of a Service's base should be devoted exclusively to other facility needs of that Service runs contrary to the basic intent of the base closure accounts which by design mix the assets and liabilities of all of the military services. For these reasons, the conferees believe that the special property disposal procedure proposed for MCAS Tustin would be counterproductive to the timely closure of the base, an action which both the President and the Congress have approved.

The conferees are aware of concerns that replacement facilities at Camp Pendleton and MCAGCC Twentynine Palms meet the operational and quality-of-life needs of military personnel who will be transferred to these locations from MCAS Tustin. The conferees intend that the Department of the Navy provide the Marine forces that relocate from MCAS Tustin at least the same level of facility support that they currently enjoy.

In order to meet this goal, the conferees direct the Department of Defense to establish a special monitoring system to ensure that the standards and relative capacity of facilities constructed to support this closure be at least that currently provided at MCAS Tustin.

The conferees direct the Comptroller General to perform an audit of the budget request for fiscal years 1994/1995 for the base closure account with regard to supporting the closure of MCAS Tustin. This audit shall compare the facilities proposed in this request for construction at the gaining installations to a baseline of facilities being vacated at MCAS Tustin. A report of this audit shall be provided to the Committees on Armed Services of the Senate and House of Representatives no later than 60 days after the budget request for fiscal years 1994/1995 has been submitted to Congress.

Real property transactions: reports to the Armed Services Committees

The House bill contained a provision (sec. 2841) that would amend section 2662 to title 10, United States Code, to waive the reporting requirements of certain real property transactions in the event of a declaration of war or a declaration of a national emergency by the President.

The Senate amendment contained no similar provision.

The House recedes.

Moratorium on obligation of funds for construction or acquisition of military family housing

The Senate amendment contained a provision (sec. 2804) that would prohibit the obligation of funds authorized in fiscal year 1993, as well as unobligated funds that were previously authorized, for the expansion of the family housing stock at military installations. This moratorium would remain in effect until the Department of Defense has solicited bids or proposals for the long-term lease and guaranteed rental initiatives authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes. The conferees support the continued use of the long-term lease and guaranteed rental programs for military family housing where validated needs can be more economically met through these programs than through military construction. Last year, the authorities for these programs were codified after several years of experimentation and legislative modification. While the Budget Act of 1990 required certain changes to these authorities that may make these programs less attractive to entrepreneurs, the Department has failed to even solicit bids for the badly needed housing projects that were authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993. Without such solicitations, it is unclear whether the housing in-

dustry will favorably respond to pressing needs for military family housing within these authorities.

The conferees note that there has apparently been progress in developing guidance to proceed with solicitations under the 802 guaranteed lease program, as well as the long-term lease authority under section 2809 of title 10, United States Code. The conferees encourage the Secretary of Defense to proceed expeditiously with the solicitation of projects previously authorized under these authorities, as well as projects previously authorized under the build-to-lease authority. Several additional projects under these authorities are authorized in this act for fiscal year 1993.

Base closure account management flexibility

The Senate amendment contained a provision (sec. 2821) that would modify the two base closure accounts which were established in the Base Closure and Realignment Acts of 1988 and 1990. The provision would authorize the transfer of funds between these two accounts in order to permit proceeds accruing from earlier closures to be applied to the costs of later closures. By extending the expiration dates of both accounts, the provision would permit these funding mechanisms to be used to finance ongoing environmental restoration, community impact assistance, and property disposal expenses.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the Senate provision has merit but is not needed prior to fiscal year 1995. The Secretary of Defense is therefore encouraged to resubmit this proposal in the fiscal years 1994/1995 budget request.

Authority to transfer funds to homeowners assistance program

The Senate amendment contained a provision (sec. 2823) that would allow the Secretary of Defense to use limited, one-way transfer authority to provide funds from other available appropriations to the Homeowners Assistance Fund, Defense, to cover the expenses to the fund associated with personnel dislocations resulting from base closures and realignments.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on expansion of certain military operations areas

The Senate amendment contained a provision (sec. 2863) that would direct the Secretary of the Air Force to limit expansion of military operations areas for reserve component tactical training to within the geographic boundaries of areas already approved for such training.

The House bill contained no similar provision; however similar concerns are expressed in the House report (H. Rept. 102-527).

The Senate recedes. The conferees agree with many of the concerns raised in the Senate and House reports regarding the potential environmental impact of modernizing reserve component units with high performance aircraft such as F-15 and F-16 aircraft, and the apparent lack of sensitivity to these issues in making basing decisions and training airspace modification proposals.

The conferees recognize that there are existing statutory authorities such as the National Environmental Policy Act and the Clean Air Act through which adverse environmental impacts must be identified and mitigation measures assessed. However, these statutes do not directly focus on the requirements behind proposed federal actions and often do not provide a forum to fully explore alternatives. Thus, in the case of proposals to expand military training areas to support reserve component fighter units that are receiving F-15 and F-16 aircraft, the baseline for discussion is generally the aircraft modernization action proposed by the military Service, and the training airspace modifications which then are needed.

Alternative mission locations and revised training requirements tend to become subordinated to concerns about preserving reserve component units within an era of reduced force structure, and a desire to secure training areas which will permit the highest state of readiness, even if the foreseeable threat and the training resources of such units do not currently support such high levels of training.

In the post-Cold War period of diminished threats and reduced reserve component forces, the conferees believe that decisions to introduce more capable, but environmentally intrusive weapons systems must receive substantially greater scrutiny at the beginning of the base selection process, rather than afterwards.

Finally, the conferees note that in negotiations regarding the introduction of F-16 aircraft in the northeastern United States and the associated alterations to supporting military operations areas, the Air National Guard has developed a number of mechanisms that may serve as models in designing mitigation strategies elsewhere. These initiatives include: limiting the number of military flights within a training area; dispersing flight operations in both time and location; limiting low level flying to the maximum extent possible; creating a two-tiered system of low level airspace so that the lowest altitudes authorized would only be used in times of national emergency or special exercises; and establishing a process for public input and monitoring of military operations through the use of hotlines and regular, public regional airspace committee meetings to review public concerns and airspace problems.

The conferees recommend that the Secretary of Defense make this matter an item of special consideration as the Department develops long-range basing plans. The conferees intend to also make the issue of the environmental impact of military air operations, particularly those of the reserve components, a matter of continuing oversight.

In this regard, the conferees direct the Chief of the Air National Guard to provide to the congressional defense committees a report on the effectiveness of mitigations agreed to by the Air National Guard regarding revisions in the dimensions and use of training airspace in the northeastern United States. This report shall be provided within 60 days after the first full year of operations under these altered procedures, but in no case later than June 1, 1996. This report shall include, at a minimum: the number of low-level operations in each military operations area in this region; documentation of complaints and airspace violations; measures taken by the National Guard Bureau in response to such complaints and violations; and the state of readiness of the fighter units that use the Northeastern United States as their primary training area.

Transfer of Jurisdiction of Rocky Mountain Arsenal

The Senate amendment contained provisions (secs. 2901-2905) that would direct the Secretary of the Army to transfer management responsibilities and jurisdiction of the Rocky Mountain Arsenal to the Department of Interior for the creation of a national wildlife refuge.

The House bill contained no similar provision.

The Senate recedes.

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
0	I	ALABAMA	ARMY	ANNISTON ARMY DEPOT	AMMUNITION DEMILITARIZATION FAC PHASE III....	105,300	99,300	105,300	(95,300)	10,000	
1	I	ALABAMA	ARMY	FORT MCCLELLAN	AMMO STORAGE FACILITY.....	0	2,500	0	2,500	2,500	
2	I	ALABAMA	ARMY	FORT MCCLELLAN	GENERAL INSTRUCTION BUILDING.....	0	2,050	0	2,050	2,050	
3	I	ALABAMA	ARMY	FORT MCCLELLAN	VEHICLE MAINTENANCE SHOP.....	0	1,350	0	1,350	1,350	
4	I	ALABAMA	ARMY	FORT MCCLELLAN	WASTEWATER TREATMENT PLANT.....	4,200	4,200	4,200	0	4,200	
5	I	ALABAMA	AIR FORCE	GUNTER AFB	UNDERGROUND FUEL STORAGE TANKS.....	960	960	960	0	960	
6	I	ALABAMA	AIR FORCE	MAXWELL AFB	EXTENSION OF RUNWAY.....	0	10,700	0	10,700	10,700	
7	I	ALABAMA	AIR FORCE	MAXWELL AFB	PHYSICAL FITNESS CENTER.....	0	0	9,900	9,900	9,900	
8	I	ALABAMA	ARMY NAT GRD	CULLMAN	PURCHASE BLDG FOR DAS-3 CLASS IX SUP.....	0	400	0	400	400	
9	I	ALABAMA	ARMY NAT GRD	FT. RUCKER	UTE SITE ADD.....	0	1,090	0	1,090	1,090	
10	I	ALABAMA	ARMY NAT GRD	MONTGOMERY	AVN POL JOINT USE, ANG DESIGN.....	400	400	400	0	400	
11	I	ALABAMA	ARMY NAT GRD	ONEONTA	ORGANIZATIONAL MAINTENANCE SHOP.....	0	461	0	461	461	
12	I	ALABAMA	ARMY NAT GRD	TUSCALOOSA	ARMORY.....	0	2,273	2,273	2,273	2,273	
13	I	ALABAMA	ARMY NAT GRD	UNION SPRINGS	ARMORY.....	0	813	0	813	813	
14	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	FIRE STATION.....	0	2,100	0	2,100	2,100	
15	I	ALABAMA	AIR NAT GRD	BIRMINGHAM MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.....	500	500	500	0	500	
16	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	ROAD RELOCATION.....	0	0	6,200	6,200	6,200	
17	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	VEHICLE MAINTENANCE SHOP.....	0	2,300	0	2,300	2,300	
18	I	ALASKA	ARMY	FORT WAINWRIGHT	FIRE SURPRESSION SYSTEM.....	0	0	3,950	3,950	3,950	
19	I	ALASKA	NAVY	ADAK NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS.....	8,750	0	8,750	(8,750)	0	1/
20	I	ALASKA	AIR FORCE	CLEAR AFS	UNDERGROUND FUEL STORAGE TANKS.....	2,250	2,250	2,250	0	2,250	
21	I	ALASKA	AIR FORCE	ELMENDORF AFB	UNDERGROUND FUEL STORAGE TANKS.....	4,600	4,600	4,600	0	4,600	
22	I	ALASKA	AIR FORCE	KING SALMON AIRPORT	UNDERGROUND FUEL STORAGE TANKS.....	6,400	6,400	6,400	0	6,400	
23	I	ALASKA	AIR FORCE	EIELSON AFB	AIRCRAFT SHELTERS.....	0	0	27,000	27,000	27,000	
24	I	ALASKA	AIR FORCE	EIELSON AFB	HYDRANT FUEL SYSTEM.....	11,400	0	11,400	0	11,400	
25	I	ALASKA	AIR FORCE	EIELSON AFB	UNDERGROUND FUEL STORAGE TANKS.....	2,550	2,550	2,550	0	2,550	
26	I	ALASKA	AIR FORCE	ELMENDORF AFB	AIRCRAFT SHELTERS.....	0	0	16,000	16,000	16,000	
27	I	ALASKA	AIR FORCE	ELMENDORF AFB	FIRE TRAINING FACILITY.....	1,950	1,950	1,950	0	1,950	
28	I	ALASKA	AIR FORCE	GALENA AIRPORT	UNDERGROUND FUEL STORAGE TANKS.....	4,850	4,850	4,850	0	4,850	
29	I	ALASKA	AIR FORCE	SHEMYA AFB	WASTE MANAGEMENT FACILITY.....	3,350	3,350	3,350	0	3,350	
30	I	ALASKA	DEFENSE AGENCIES	ELMENDORF AFB	HOSPITAL REPLACEMENT PHASE I.....	0	0	25,000	15,000	15,000	
31	I	ALASKA	AIR NAT GRD	EIELSON AFB	VEHICLE MAINTENANCE FACILITY.....	0	0	4,500	4,500	4,500	
32	I	ALASKA	AIR NAT GRD	KULIS ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS.....	310	310	310	0	310	
33	I	ARIZONA	ARMY	FORT HUACHUCA	INTELLIGENCE FACILITY.....	0	0	5,300	0	0	1/
34	I	ARIZONA	ARMY	FORT HUACHUCA	ROAD IMPROVEMENTS.....	0	3,350	0	0	0	1/
35	I	ARIZONA	AIR FORCE	DAVIS MONTHAN AFB	DORMITORY.....	0	3,500	3,500	3,500	3,500	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
36	I	ARIZONA	AIR FORCE	LIBBY ARMY AIR FIELD	UPGRADE AIRFIELD PAVEMENTS	15,300	15,300	15,300	0	15,300	
37	I	ARIZONA	AIR FORCE	LUKE AFB	BOQ	0	0	2,950	2,950	2,950	
38	I	ARIZONA	AIR FORCE	NAVAJO ARMY DEPOT	MINUTEMAN-VARIOUS FACILITIES	3,900	3,900	3,900	0	3,900	
39	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	DORMITORY/DINING FACILITY	0	2,900	0	0	0	1/
40	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	PICACHO PEAK STAGEFIELD	0	3,041	0	3,041	3,041	
41	I	ARIZONA	AIR NAT GRD	TUCSON INTERNATIONAL AIRPORT	JET FUEL STORAGE COMPLEX	0	7,200	0	7,200	7,200	
42	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	ADAL AIRCRAFT MAINTENANCE FACILITY	0	0	1,500	1,500	1,500	
43	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	MUNITIONS MAINTENANCE & STORAGE	0	0	930	930	930	
44	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	AMMUNITION DEMILITARIZATION SUPPORT FAC	15,000	15,000	15,000	0	15,000	
45	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	HAZARDOUS WASTE LANDFILL EXPANSION	11,800	11,800	11,800	0	11,800	
46	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	FIRE TRAINING FACILITY	710	710	710	0	710	
47	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	AEROMEDICAL STAGING FACILITY	1,250	0	1,250	0	1,250	
48	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY	950	0	950	0	950	
49	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY	950	0	950	0	950	
50	I	CALIFORNIA	ARMY	SIERRA ARMY DEPOT	AMMUNITION SURVEILLANCE FACILITY	2,450	2,450	2,450	0	2,450	
51	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	ELECTRICAL DISTRIBUTION SYSTEM UPGRADE	3,800	3,800	3,800	0	3,800	
52	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	MESS HALL EXPANSION	1,960	1,960	1,960	0	1,960	
53	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	SEWAGE TREATMENT PLANT MODIFICATIONS	19,740	19,740	19,740	0	19,740	
54	I	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	BATTERY SHOP	680	680	680	0	680	
55	I	CALIFORNIA	NAVY	MARE ISLAND NAVAL SHIPYARD	HAZARDOUS MATERIAL STORAGE FACILITY	0	8,000	0	8,000	8,000	
56	I	CALIFORNIA	NAVY	MIRAMAR NAVAL AIR STATION	FIXED POINT UTILITY SYSTEM	0	9,700	0	9,700	9,700	
57	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	BACHELOR ENLISTED QUARTERS	9,000	9,000	9,000	0	9,000	
58	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	HAZARDOUS AND FLAMMABLE STOREHOUSE	5,300	5,300	5,300	0	5,300	
59	I	CALIFORNIA	NAVY	SEAL BEACH NAVAL WEAPONS STATION	ORDNANCE TRANSFER FACILITY	2,150	2,150	2,150	0	2,150	
60	I	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CHON-POTABLE WATER SYSTEM IMPROVEMENTS	4,600	4,600	4,600	0	4,600	
61	I	CALIFORNIA	AIR FORCE	BEALE AFB	FIRE TRAINING FACILITY	1,250	1,250	1,250	0	1,250	
62	I	CALIFORNIA	AIR FORCE	BEALE AFB	SECURITY POLICE OPS FACILITY	0	4,350	0	4,350	4,350	
63	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	WASTEWATER TREATMENT PLANT	19,500	19,500	19,500	0	19,500	
64	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	UNDERGROUND FUEL STORAGE TANKS	5,000	0	5,000	0	5,000	
65	I	CALIFORNIA	AIR FORCE	MARCH AFB	UNDERGROUND FUEL STORAGE TANKS	2,250	2,250	2,250	0	2,250	
66	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	PLATING SHOP	0	7,000	0	7,000	7,000	
67	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	0	1,150	
68	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UPGRADE INDUST WASTEWATER COLLECTION SYS	1,750	1,750	1,750	0	1,750	
69	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORM RENOVATION	0	10,800	0	10,800	10,800	
70	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	UPGRADE SANITARY SEWER MAINS	880	880	880	0	880	
71	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE ELECTRICAL POWER UTILITY SYSTEM	6,100	6,100	6,100	0	6,100	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
72	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE FIRE PROTECTION SYSTEM	4,150	4,150	4,150	0	4,150	
73	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	WATER SUPPLY (STATE TIE-IN)	16,000	16,000	16,000	0	16,000	
74	I	CALIFORNIA	DEFENSE AGENCIES	BEALE AFB	HOSPITAL LIFE SAFETY UPGRADE	0	3,500	0	3,500	3,500	
75	I	CALIFORNIA	DEFENSE AGENCIES	MARCH AFB	CMF ADD/ALT LSU/UTILITIES	18,000	18,000	18,000	0	18,000	
76	I	CALIFORNIA	ARMY NAT GRD	FRESNO AVIATION DEPOT	REPAIR & CONSTRUCTION OF HELICOPTER PADS	0	901	901	901	901	
77	I	CALIFORNIA	ARMY NAT GRD	LAKEPORT	ARMORY	0	1,580	0	1,580	1,580	
78	I	CALIFORNIA	ARMY NAT GRD	LOS ALAMITOS AFRC	JP-4 FUEL TANK REPLACEMENTS	0	1,553	1,553	1,553	1,553	
79	I	CALIFORNIA	ARMY NAT GRD	STOCKTON	ADD/ALTER CSMS	0	1,613	0	0	0	10/
80	I	COLORADO	ARMY	FITZSIMONS AMC	CENTRAL ENERGY PLANT	0	19,400	0	19,400	19,400	
81	I	COLORADO	ARMY	FITZSIMONS AMC	ENGINEER FACILITY	0	6,000	0	6,000	6,000	
82	I	COLORADO	AIR FORCE	PETERSON AFB	ADD TO AND ALTER DORMITORY	3,500	3,500	3,500	0	3,500	
83	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	BASE OPERATIONS FACILITY	1,650	1,650	0	0	1,650	
84	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UNDERGROUND FUEL STORAGE TANKS	960	960	960	0	960	
85	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UPGRADE ENERGY MANAGEMENT & CONTROL SYS	1,650	1,650	1,650	0	1,650	
86	I	COLORADO	DEFENSE AGENCIES	FITZSIMONS AMC	SITE WORK	0	2,000	0	2,000	2,000	
87	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
88	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	UGRADE UTILITIES/INFRASTRUCTURE	0	12,000	0	12,000	12,000	
89	I	COLORADO	AIR FORCE RESERVE	PETERSON AFB	AVIONICS FACILITY	0	0	1,300	1,300	1,300	
90	I	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	SUBMARINE DRYDOCK PIER	12,500	12,500	12,500	0	12,500	
91	I	CONNECTICUT	AIR NAT GRD	BRADLEY FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,200	1,200	1,200	0	1,200	
92	I	CONNECTICUT	AIR NAT GRD	ORANGE ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
93	I	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY	3,900	3,900	7,800	0	3,900	
94	I	DELAWARE	AIR FORCE	DOVER AFB	FIRE TRAINING FACILITY	910	910	910	0	910	
95	I	DELAWARE	AIR FORCE	DOVER AFB	HYDRANT FUELING SYSTEM	14,600	14,600	14,600	0	14,600	
96	I	DELAWARE	AIR FORCE	DOVER AFB	UNDERGROUND FUEL STORAGE TANKS	1,850	1,850	1,850	0	1,850	
97	I	DISTRICT OF COLUMBIA	AIR FORCE	BOLLING AFB	CIVIL ENGINEER COMPLEX	0	9,400	0	9,400	9,400	
98	I	DISTRICT OF COLUMBIA	DEFENSE AGENCIES	WALTER REED ARMY MEDICAL CENTER	ARMY INSTITUTE OF RESEARCH PHASE I	13,300	13,300	0	0	13,300	
99	I	FLORIDA	NAVY	CECIL FIELD NAVAL AIR STATION	JET ENGINE TEST CELL	5,850	5,850	5,850	0	5,850	
100	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	WASTEWATER TREATMENT SYSTEM	5,300	5,300	5,300	0	5,300	
101	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	REPLACE CHILLER PLANT	2,500	2,500	2,500	0	2,500	
102	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	CENTAUR PROCESSING BUILDING	33,000	33,000	33,000	0	33,000	
103	I	FLORIDA	AIR FORCE	EGLIN AFB	CLIMATIC TEST CHAMBER PHASE I	32,000	32,000	32,000	(27,000)	5,000	
104	I	FLORIDA	AIR FORCE	EGLIN AFB	FIRE TRAINING FACILITY	770	770	770	0	770	
105	I	FLORIDA	AIR FORCE	EGLIN AFB	UPGRADE WASTEWATER TREATMENT PLANT	910	910	910	0	910	
106	I	FLORIDA	AIR FORCE	HOMESTEAD AFB	FIRE TRAINING FACILITY	1,200	1,200	1,200	(1,200)	0	2/
107	I	FLORIDA	AIR FORCE	PATRICK AFB	REGIONAL SEWER CONNECTION	7,700	7,700	7,700	0	7,700	

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108	I	FLORIDA	DEFENSE AGENCIES	HOMESTEAD AFB	PHASE II HOSPITAL CONSTRUCTION	0	10,000	0	0	0	2/
109	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	MOUT RANGE	0	2,400	2,452	2,452	2,452	
110	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	BACHELOR OFFICER/ENLISTED QUARTERS	0	958	958	958	958	
111	I	FLORIDA	ARMY NAT GRD	CEDAR HILLS, JACKSONVILLE	ARMORY EXPANSION	0	1,457	0	1,457	1,457	
112	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ARMORY EXPANSION	0	1,682	0	1,682	1,682	
113	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ORGANIZATIONAL MAINTENANCE SHOP EXPANSION	0	368	0	368	368	
114	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	SQUADRON OPERATIONS FACILITY	1,300	1,300	1,300	(1,300)	0	2/
115	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	CONSTRUCT HANGAR	3,180	3,180	3,180	(3,180)	0	2/
116	I	GEORGIA	ARMY	FT. GILLEM	WATER IMPROVEMENTS	0	2,700	2,700	2,700	2,700	
117	I	GEORGIA	ARMY	FORT GORDON	CONSOLIDATED MAINTENANCE FACILITY PHASE I	0	0	23,000	23,000	23,000	
118	I	GEORGIA	ARMY	FORT MCPHERSON	BARRACKS AND DINING HALL	0	0	10,200	10,200	10,200	
119	I	GEORGIA	ARMY	HUNTER ARMY AIRFIELD	TACTICAL EQUIPMENT SHOP	0	5,400	5,400	5,400	5,400	
120	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	ABRASIVE BLAST FACILITY	4,100	4,100	4,100	0	4,100	
121	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	UPGRADE HAZARDOUS STORAGE WAREHOUSE	0	0	2,700	2,700	2,700	
122	I	GEORGIA	AIR FORCE	MOODY AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
123	I	GEORGIA	AIR FORCE	MOODY AFB	FUEL CELL/NOSE DOCK (C-130)	0	0	3,600	3,600	3,600	
124	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS RAMP & HYDRANT SYSTEM	0	0	9,700	9,700	9,700	
125	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS SECURITY IMPROVEMENT	0	0	1,800	1,800	1,800	
126	I	GEORGIA	ARMY NAT GRD	BARNESVILLE	ARMORY ACQUISITION	0	0	350	350	350	
127	I	GEORGIA	AIR NAT GRD	SAVANNAH MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	740	740	740	0	740	
128	I	GEORGIA	NAVY RESERVE	DOBBINS AFB	MARINE CORPS/ NAVY RESERVE CENTER	0	0	5,500	5,500	5,500	
129	I	HAWAII	ARMY	SCHOFIELD BARRACKS	ADAL SEWAGE TREATMENT PLANT	0	0	17,500	17,500	17,500	
130	I	HAWAII	ARMY	SCHOFIELD BARRACKS	CHILD DEVELOPMENT CENTER	5,800	5,800	5,800	0	5,800	
131	I	HAWAII	NAVY	BARKING SANDS PACIFIC MISSILE RANGE	AIRCRAFT PARKING APRON	4,580	4,580	4,580	0	4,580	
132	I	HAWAII	NAVY	HONOLULU NAVAL COM AREA MASTER STA	ANTENNA SAFETY IMPROVEMENTS	1,400	1,400	1,400	0	1,400	
133	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	HAZARDOUS AND FLAMMABLE STOREHOUSE	1,300	1,300	1,300	0	1,300	
134	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	OIL SPILL PREVENTION	6,400	6,400	5,400	(1,000)	5,400	
135	I	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	WASTEWATER TREATMENT PLANT IMPVS	24,900	24,900	24,900	0	24,900	
136	I	HAWAII	DEFENSE AGENCIES	BARKING SANDS	LAND EASEMENT	5,400	5,400	2,500	(2,900)	2,500	
137	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	ARM/DISARM PADS	0	0	1,550	1,550	1,550	
138	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	900	900	900	0	900	
139	I	ILLINOIS	AIR FORCE	SCOTT AFB	FIRE TRAINING FACILITY	960	960	960	0	960	
140	I	ILLINOIS	AIR NAT GRD	CAPITAL MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	750	750	750	0	750	
141	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	VEHICLE MAINTENANCE FACILITY	0	2,200	0	2,200	2,200	
142	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	CIVIL ENGINEERING SHOP	0	2,200	0	2,200	2,200	
143	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	SITE PREPARATION	0	1,550	0	1,550	1,550	

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144	I	ILLINOIS	AIR NAT GRD	O'HARE AIRPORT	REPAIR AIRCRAFT RAMP	0	0	5,200	5,200	5,200
145	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	CHILD DEVELOPMENT CENTER	0	0	1,800	1,800	1,800
146	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	FUEL FARM MODS	6,500	6,500	6,500	0	6,500
147	I	ILLINOIS	AIR FORCE RESERVE	O'HARE AIRPORT	AIRCRAFT GROUND EQUIPMENT SHOP	0	0	1,700	1,700	1,700
148	I	INDIANA	NAVY	NSWC, CRANE	MICROWAVE COMPONENT CENTER	0	6,000	0	6,000	6,000
149	I	INDIANA	ARMY NAT GRD	FORT WAYNE	ARMORY	0	3,393	3,393	3,393	3,393
150	I	INDIANA	ARMY NAT GRD	FORT WAYNE	OMS	0	862	892	862	862
151	I	INDIANA	AIR NAT GRD	FORT WAYNE	RUNWAY IMPROVEMENTS	0	6,039	0	6,039	6,039
152	I	IOWA	ARMY NAT GRD	CAMP DODGE	EQUIPMENT MAINTENANCE SHOP	0	2,687	0	2,687	2,687
153	I	IOWA	ARMY NAT GRD	CAMP DODGE	BU COMPLEX I	0	4,600	0	4,600	4,600
154	I	IOWA	AIR NAT GRD	DES MOINES	ADD/ALTER OPS FACILITY	0	5,150	0	5,150	5,150
155	I	IOWA	AIR NAT GRD	SIOUX CITY MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,200	1,200	1,200	0	1,200
156	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT FUEL CELL/CORROSION HANGAR BAY	0	1,850	1,850	1,850	1,850
157	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT SQUADRON OPERATIONS FACILITY	0	920	920	920	920
158	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ALT COMPOSITE DINING HALL/MEDICAL TRNG FAC	0	1,200	0	1,200	1,200
159	I	KANSAS	ARMY	FORT RILEY	RAIL HEAD	0	0	13,200	13,200	13,200
160	I	KANSAS	AIR FORCE	MCCONNELL AFB	FIRE TRAINING FACILITY	960	960	960	0	960
161	I	KANSAS	ARMY NAT GRD	GREAT BEND	ARMORY	0	0	1,570	1,570	1,570
162	I	KANSAS	ARMY NAT GRD	OTTAWA	ARMORY	0	0	397	397	397
163	I	KANSAS	AIR NAT GRD	FORBES FIELD	JET FUEL STORAGE COMPLEX	4,500	4,500	4,500	0	4,500
164	I	KENTUCKY	ARMY	FORT KNOX	WATER STORAGE TANKS	0	4,350	4,350	4,350	4,350
165	I	KENTUCKY	ARMY	FORT KNOX	AIRFIELD REVITALIZATION	0	7,100	7,100	7,100	7,100
166	I	KENTUCKY	ARMY	FORT KNOX	ELECTRICAL DISTRIBUTION IMPROVEMENT PROJECT	0	4,150	4,150	4,150	4,150
167	I	KENTUCKY	AIR NAT GRD	STANDIFORD AIRPORT	RELOCATION, PHASE III	0	0	5,000	5,000	5,000
168	I	LOUISIANA	ARMY	FORT POLK	AIRFIELD SAFETY UPGRADE	7,400	7,400	7,400	0	7,400
169	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON & HYDRANT SYSTEM PHASE I	0	0	25,800	14,000	14,000
170	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	FIRE TRAINING FACILITY	820	820	820	0	820
171	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	UNDERGROUND FUEL STORAGE TANKS	2,500	2,500	2,500	0	2,500
172	I	LOUISIANA	ARMY NAT GRD	INDEPENDENCE	ARMORY	0	0	1,300	1,300	1,300
173	I	LOUISIANA	ARMY NAT GRD	LAFAYETTE	OMS	0	0	1,000	1,000	1,000
174	I	LOUISIANA	ARMY NAT GRD	BALL	RENOVATE BARRACKS	0	0	400	400	400
175	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	ADD/ALTER FACILITIES FOR CONVERSION	2,300	2,300	2,300	0	2,300
176	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT ENGINE & INSPECTION SHOP	2,600	2,600	2,600	0	2,600
177	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT HANGAR FIRE PROTECTION	1,000	1,000	1,000	0	1,000
178	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AVIONICS FACILITY	0	0	2,300	2,300	2,300
179	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	SOUND SUPPRESSOR	1,100	1,100	1,100	0	1,100

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
180	I	MAINE	AIR NAT GRD	BANGOR INTERNATIONAL AIRPORT	AIRFIELD IMPROVEMENTS	0	17,300	17,300	17,300	17,300	
181	I	MARYLAND	ARMY	ABERDEEN PROVING GROUND	FIRE/SECURITY STATION	0	0	3,400	3,400	3,400	
182	I	MARYLAND	NAVY	BETHESDA NAVAL MEDICAL RESEARCH INS	APPLICATIONS LABORATORY	5,600	0	0	(5,600)	0	1/
183	I	MARYLAND	NAVY	NOS, INDIANHEAD	IMPROVE CAD/PAD FACILITY	0	5,300	5,600	5,600	5,600	
184	I	MARYLAND	NAVY	NOS, INDIANHEAD	CHILD CARE FACILITY	0	2,290	0	2,290	2,290	
185	I	MARYLAND	NAVY	PATUXENT NAVAL AIR STATION	LARGE ANECHOIC CHAMBER - PHASE I	0	10,000	0	10,000	10,000	
186	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	VISITOR'S CENTER	0	4,500	0	4,500	4,500	
187	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	FITNESS CENTER	0	6,500	0	6,500	6,500	
188	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR SYS REGIONAL CONNECTN-BRANDYWINE	400	400	400	0	400	
189	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR TREATMT/DISP PLANT-DAVIDSONVILLE	420	420	420	0	420	
190	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	HEADQUARTERS FIRE EVACUATION ALARM SYSTEM	400	400	400	0	400	
191	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	OPS1 UTILITY DISTRIBUTION UPGRADE	6,300	6,300	6,300	0	6,300	
192	I	MASSACHUSETTS	AIR FORCE	HANCSCOM AFB	CHILD DEVELOPMENT CENTER	0	0	4,200	4,200	4,200	
193	I	MASSACHUSETTS	ARMY NAT GRD	CAMP EDWARDS	TRNG SITE FUEL DISP FACIL	500	500	500	0	500	
194	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ADAL FUEL CELL/CORROSION CONTROL	0	0	1,400	1,400	1,400	
195	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	AVIONICS/WEAPONS SHOP	0	0	1,500	1,500	1,500	
196	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ENGINE SHOP	0	0	800	800	800	
197	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	0	1,100	
198	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	SQUADRON OPERATIONS	0	0	900	900	900	
199	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	MUNITIONS STORAGE/MAINTENANCE	0	0	3,650	3,650	3,650	
200	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	ALTER WASTE WATER TREATMENT PLANT	15,000	15,000	15,000	0	15,000	
201	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	CLINIC	0	0	1,600	1,600	1,600	
202	I	MASSACHUSETTS	AIR NAT GRD	WORCESTER ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	350	350	350	0	350	
203	I	MICHIGAN	AIR NAT GRD	PHELPS COLLINS APT	ALTER BARRACKS	0	0	3,800	3,800	3,800	
204	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
205	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	UPGRADE STORM DRAINAGE SYSTEM	600	600	600	0	600	
206	I	MICHIGAN	AIR NAT GRD	WK KELLOGG REGIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	0	1,150	
207	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FACILITIES FOR CONVERSION	0	0	2,400	2,400	2,400	
208	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FUEL SYSTEMS MAINTENANCE HANGAR	0	0	1,500	1,050	1,050	
209	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	HYDRANT FUEL SYSTEM	2,500	2,500	2,500	0	2,500	
210	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	COMBINED SUPPORT MAINTENANCE SHOP	0	7,100	0	7,100	7,100	
211	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	UTILITY SYSTEMS REPAIR	0	5,800	0	5,400	5,400	
212	I	MINNESOTA	ARMY NAT GRD	ROSEMONT	OMS	0	0	2,800	1,200	1,200	
213	I	MINNESOTA	AIR NAT GRD	MINN-ST PAUL IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	850	850	850	0	850	
214	I	MISSISSIPPI	NAVY	GULFPORT	APPLIED INSTRUCTION BUILDING	0	0	4,650	4,650	4,650	
215	I	MISSISSIPPI	NAVY	NAS MERIDIAN	CHILD DEVELOPMENT CENTER	0	1,100	0	1,100	1,100	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
216	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	ADD/ALTER CHILDCARE CENTER	0	2,650	0	2,650	2,650	
217	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	ALTER STUDENT DORMITORY	3,900	3,900	3,900	0	3,900	
218	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	TV SYSTEM TRAINING FACILITY	0	0	290	290	290	
219	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	VISUAL INFORMATION TRAINING FACILITY	0	0	6,400	6,400	6,400	
220	I	MISSISSIPPI	ARMY NAT GRD	CAMP MCCAIN	DEFENSE ACCESS ROAD	0	18,300	19,000	19,000	19,000	
221	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MULTIPURPOSE RANGE	0	0	4,000	4,000	4,000	
222	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MODIFY RANGE #1	0	0	675	675	675	
223	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MODIFY RANGE #2	0	0	675	675	675	
224	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	COMBINED SUPPORT FACILITY	0	0	5,400	5,400	5,400	
225	I	MISSISSIPPI	ARMY NAT GRD	MERIDIAN	ADD/ALTER AVIATION SUPPORT FACILITY	0	1,900	0	1,900	1,900	
226	I	MISSISSIPPI	AIR NAT GRD	GULFPORT	RAMP UPGRADE	0	0	10,800	10,800	10,800	
227	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD	ADD TO AND ALTER SQUADRON OPERATIONS FAC	930	930	930	0	930	
228	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD	FIRE STATION	1,250	1,250	1,250	0	1,250	
229	I	MISSISSIPPI	AIR NAT GRD	THOMPSON FIELD	ADD/ALTER VEHICLE MAINTENANCE SHOP	0	1,300	0	1,300	1,300	
230	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD/ALTER COMMUNICATIONS CENTER	2,700	0	2,700	0	2,700	
231	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING SYSTEM	14,200	14,200	14,200	0	14,200	
232	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER CHILD DEVELOPMENT CTR	970	970	970	0	970	
233	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER UTILITY SYSTEMS	6,800	6,800	6,800	0	6,800	
234	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT APRON, TAXIWAY, & CONVOY RDS	11,400	11,400	11,400	0	11,400	
235	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCKS	14,000	0	14,000	0	14,000	
236	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCKS	14,000	14,000	14,000	0	14,000	
237	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 GENERAL REDUCTION	0	0	(20,000)	(20,000)	(20,000)	
238	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING HARDSTANDS/PITS	9,700	9,700	9,700	0	9,700	
239	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 WEAPONS STORAGE FACILITIES	6,400	6,400	6,400	0	6,400	
240	I	MISSOURI	AIR FORCE	WHITEMAN AFB	UNDERGROUND FUEL STORAGE TANKS	2,100	2,100	2,100	0	2,100	
241	I	MISSOURI	DEFENSE AGENCIES	FORT LEONARD WOOD	TROOP MEDICAL CLINIC	3,000	3,000	3,000	0	3,000	
242	I	MISSOURI	ARMY NAT GRD	CAMP CROWDER	ADMINISTRATION/CLASSROOM	0	0	421	421	421	
243	I	MISSOURI	ARMY NAT GRD	WHITEMAN AFB	ARMORY	0	2,900	2,879	2,400	2,400	
244	I	MONTANA	AIR FORCE	MALMSTROM AFB	FIRE TRAINING FACILITY	1,100	1,100	1,100	0	1,100	
245	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADAL WEAPONS RELEASE	0	0	800	800	800	
246	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADD/ALTER AIRCRAFT SUPPORT EQUIP SHOP	600	600	600	0	600	
247	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADD TO AND ALTER MAINTENANCE HANGAR SHOP	2,800	2,800	0	(2,800)	0	3/
248	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ARM/DISARM PADS	0	0	1,000	1,000	1,000	
249	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	FIRE SUPPRESSION SYSTEM	0	0	1,000	1,000	1,000	
250	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	UPGRADE FIRE STATION	700	700	700	0	700	
251	I	NEBRASKA	AIR FORCE	OFFUTT AFB	FIRE TRAINING FACILITY	840	840	840	0	840	

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252	I	NEBRASKA	AIR FORCE	OFFUTT AFB	HAZARDOUS MATERIALS STORAGE FACILITY.....	1,350	1,350	1,350	0	1,350	
253	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UNDERGROUND FUEL STORAGE TANKS.....	2,050	2,050	2,050	0	2,050	
254	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UPGRADE SANITARY/STORM SEWER SYSTEMS.....	1,950	1,950	1,950	0	1,950	
255	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	ALTER SUPPLY & COMMUNICATIONS.....	0	0	2,400	2,400	2,400	
256	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	DINING HALL.....	1,500	1,500	1,500	0	1,500	
257	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	FUEL SYSTEMS MAINTENANCE DOCK.....	0	0	4,675	4,675	4,675	
258	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	SQUADRON OPERATIONS.....	0	0	3,100	3,100	3,100	
259	I	NEVADA	AIR FORCE	NELLIS AFB	AIRCRAFT LOADING APRON PHASES II & III.....	0	7,950	4,000	7,950	7,950	
260	I	NEVADA	AIR FORCE	NELLIS AFB	FIRE TRAINING FACILITY.....	780	780	780	0	780	
261	I	NEVADA	AIR FORCE	NELLIS AFB	WASTEWATER SEWER EFFLUENT SYSTEM.....	2,200	2,200	2,200	0	2,200	
262	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ARMORY.....	0	5,530	5,530	4,100	4,100	
263	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ORGANIZATIONAL MAINTENANCE SHOP.....	0	1,358	1,358	1,358	1,358	
264	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	COMBINED SUPPORT MAINTENANCE SHOP.....	0	1,854	1,854	1,854	1,854	
265	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	USPFO WAREHOUSE.....	0	178	0	178	178	
266	I	NEW JERSEY	ARMY	FORT DIX	RANGE 65 MODS.....	0	2,000	0	0	0	1/
267	I	NEW JERSEY	ARMY	FT. MONMOUTH	CHILD CARE CENTER.....	0	3,550	3,550	3,550	3,550	
268	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	ELECTRICAL DIST. SYSTEM.....	0	0	3,800	3,800	3,800	
269	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	PROPELLANT SURVEILLANCE LAB.....	0	0	2,250	2,250	2,250	
270	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UNDERGROUND FUEL STORAGE TANKS.....	5,600	5,600	5,600	0	5,600	
271	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE SANITARY SEWER SYSTEM.....	2,400	2,400	2,400	0	2,400	
272	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE STORM SEWER SYSTEM.....	970	970	970	0	970	
273	I	NEW JERSEY	ARMY NAT GRD	FORT DIX	STATE HEADQUARTERS.....	0	0	4,750	4,750	4,750	
274	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	AIRCRAFT PARKING APRON.....	8,700	8,700	8,700	0	8,700	
275	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	COMPOSITE MAINTENANCE HANGAR.....	9,700	9,700	9,700	0	9,700	
276	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	FUEL SYSTEMS MAINTENANCE DOCK.....	4,400	4,400	4,400	0	4,400	
277	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	JET FUEL OPERATING STORAGE AND DISTRIB SYS...	4,600	4,600	4,600	0	4,600	
278	I	NEW MEXICO	ARMY	WHITE SANDS	BARRACKS UPGRADE.....	0	0	6,000	6,000	6,000	
279	I	NEW MEXICO	AIR FORCE	CANNON AFB	DORMITORY.....	0	2,800	0	2,800	2,800	
280	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	FIRE TRAINING FACILITY.....	820	820	820	0	820	
281	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	WASTEWATER TREATMENT FACILITY.....	10,600	10,600	10,600	0	10,600	
282	I	NEW MEXICO	ARMY NAT GRD	CLAYTON	ARMORY.....	0	1,400	1,400	1,400	1,400	
283	I	NEW MEXICO	ARMY NAT GRD	ROSWELL	TRAINING FACILITY.....	0	0	3,000	3,000	3,000	
284	I	NEW MEXICO	ARMY NAT GRD	SPRINGER	ARMORY.....	0	1,209	1,209	1,209	1,209	
285	I	NEW YORK	ARMY	FORT DRUM	MOUT.....	0	5,900	0	5,900	5,900	
286	I	NEW YORK	ARMY	FORT DRUM	GENERAL PURPOSE WAREHOUSE.....	0	8,900	0	8,900	8,900	
287	I	NEW YORK	ARMY	FORT DRUM	LIBRARY/EDUC. CENTER.....	0	6,700	0	6,700	6,700	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
288	I	NEW YORK	ARMY	U S MILITARY ACADEMY	WATER TREATMENT PLANT	1,600	1,600	1,600	0	1,600	
289	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	AIRCRAFT PARKING APRON	7,000	7,000	7,000	0	7,000	
290	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	ALTER AIRCRAFT MAINTENANCE SHOPS	3,000	3,000	3,000	0	3,000	
291	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	FUEL SYSTEM MAINTENANCE DOCK	3,700	3,700	3,700	0	3,700	
292	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	JET FUEL STORAGE COMPLEX	5,100	5,100	5,100	0	5,100	
293	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	MAINTENANCE HANGAR	4,750	4,750	4,750	0	4,750	
294	I	NEW YORK	AIR NAT GRD	ROSYLN AIR GUARD STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	450	450	450	0	450	
295	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	JET FUEL STORAGE COMPLEX	3,700	3,700	3,700	0	3,700	
296	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	0	1,750	
297	I	NORTH CAROLINA	ARMY	FORT BRAGG	HIGHWAY EXTENSION	0	8,200	0	8,700	8,700	
298	I	NORTH CAROLINA	NAVY	NEW RIVER	PHYSICAL FITNESS CENTER	0	0	3,600	3,600	3,600	
299	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	OPERATIONS FACILITY	0	0	3,000	3,000	3,000	
300	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	WAREHOUSE	0	0	1,680	1,680	1,680	
301	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD TO AND ALTER AERIAL PORT	1,950	1,950	1,950	0	1,950	
302	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS AND LOGISTICS COMP	1,800	1,800	2,300	500	2,300	
303	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS & LOGISTICS COMP	1,800	1,800	2,500	700	2,500	
304	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT CORROSION CONTROL FAC	5,500	5,500	0	(5,500)	0	3/
305	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT PARTS WAREHOUSES	1,550	1,550	2,450	900	2,450	
306	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER ECM SHOP AND POD STORAGE FACILITY	620	620	0	(620)	0	3/
307	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER LIFE SUPPORT FACILITY	510	510	510	0	510	
308	I	NORTH CAROLINA	AIR FORCE	POPE AFB	BRIDGE/ROAD/UTILITIES	0	0	4,000	4,000	4,000	
309	I	NORTH CAROLINA	AIR FORCE	POPE AFB	FLEET SERVICE OPERATIONS	950	950	950	0	950	
310	I	NORTH CAROLINA	AIR FORCE	POPE AFB	MUNITIONS STORAGE COMPLEX	4,300	4,300	4,300	0	4,300	
311	I	NORTH CAROLINA	AIR FORCE	POPE AFB	REPAIR APRON AND WIDEN R/W PAVEMENT	2,350	2,350	2,350	50	2,400	
312	I	NORTH CAROLINA	AIR FORCE	POPE AFB	SOUND SUPPRESSOR SUPPORT	820	820	820	0	820	
313	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	ALTER DORMITORIES	4,450	4,450	4,450	0	4,450	
314	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
315	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	ADD/ALTER SEC. 6 SCHOOLS	0	3,950	0	3,950	3,950	
316	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL ADD/ALT PHASE I	10,000	10,000	10,000	0	10,000	
317	I	NORTH CAROLINA	ARMY NAT GRD	FAYETTEVILLE	ARMORY	0	0	1,284	1,284	1,284	
318	I	NORTH CAROLINA	AIR NAT GRD	BADIN	COMMUNICATION ELECTRONICS TRAINING FACILITY	0	3,000	0	3,000	3,000	
319	I	NORTH DAKOTA	AIR FORCE	CAVALIER	UNDERGROUND FUEL STORAGE TANKS	1,450	1,450	0	0	1,450	
320	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	ADD/ALTER SEWAGE TREATMENT/DISPOSAL SYSTEM	3,200	3,200	3,200	0	3,200	
321	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	UNDERGROUND FUEL STORAGE TANKS	3,300	3,300	3,300	0	3,300	
322	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	ADD TO AND ALTER SEWAGE LAGOON	5,400	5,400	5,400	0	5,400	
323	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	FIRE TRAINING FACILITY	1,200	1,200	1,200	0	1,200	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
324	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	WATER SYSTEM	0	0	2,050	2,050	2,050	
325	I	NORTH DAKOTA	DEFENSE AGENCIES	GRAND FORKS ABM SITE	BARRACKS & DINNING FACILITY	12,800	0	0	(12,800)	0	4/
326	I	NORTH DAKOTA	ARMY NAT GRD	BISMARK	ADAL ARMORY/AVIATION FACILITY	0	0	5,450	0	0	1/
327	I	NORTH DAKOTA	AIR NAT GRD	FARGO	VEHICLE MAINTENANCE FACILITY	0	0	2,600	2,600	2,600	
328	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE TRAINING FACILITY	870	870	870	0	870	
329	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	HAZARDOUS MATERIALS STORAGE FACILITY	5,800	5,800	5,800	0	5,800	
330	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UNDERGROUND FUEL STORAGE TANKS	5,500	5,500	5,500	0	5,500	
331	I	OHIO	ARMY NAT GRD	MEDINA	ARMORY RENOVATION	0	400	400	400	400	
332	I	OHIO	ARMY NAT GRD	RAVENNA ARSENAL	TANK RANGE	0	1,000	1,000	1,000	1,000	
333	I	OHIO	AIR NAT GRD	MANSFIELD LAHM AIRPORT	JET FUEL STORAGE COMPLEX	3,750	3,750	3,750	0	3,750	
334	I	OHIO	AIR NAT GRD	SPRINGFIELD	ADAL ENGINE SHOP	0	0	1,700	1,700	1,700	
335	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER AVIONICS SHOP/ECM WEAPONS RELEASE	0	880	880	880	880	
336	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER FUEL SYSTEMS & CORROSION CNTRL DOCK	0	1,300	1,300	1,300	1,300	
337	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER SQUADRON OPERATIONS FACILITY	0	1,300	1,300	1,300	1,300	
338	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	AIRCRAFT ENGINE SHOP	0	1,700	1,700	1,700	1,700	
339	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	CONSTRUCT BASE WATER MAIN	740	740	740	0	740	
340	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	SANITARY LIFT STATION	600	600	600	0	600	
341	I	OHIO	AIR FORCE RESERVE	YOUNGSTOWN AIRPORT	AERIAL SPRAY MAINTENANCE FACILITY	0	0	2,000	2,000	2,000	
342	I	OKLAHOMA	ARMY	FORT SILL	FIRE STATION	0	1,500	1,500	1,500	1,500	
343	I	OKLAHOMA	AIR FORCE	ALTUS AFB	CONSOLIDATED SUPPORT FACILITY	0	7,300	0	7,300	7,300	
344	I	OKLAHOMA	AIR FORCE	VANCE AFB	AIRFIELD REPAIR	0	2,350	2,350	2,350	2,350	
345	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DEPOT METAL PLATING SHOP	10,200	10,200	10,200	0	10,200	
346	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DORMITORIES	4,050	4,050	4,050	0	4,050	
347	I	OKLAHOMA	AIR FORCE	TINKER AFB	DEPOT HAZARDOUS WASTE PROC FAC	2,300	2,300	2,300	0	2,300	
348	I	OKLAHOMA	AIR FORCE	TINKER AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
349	I	OKLAHOMA	AIR FORCE	TINKER AFB	UPGRADE INDUST WSTWTR TRTMNT PLANT	3,950	3,950	3,950	0	3,950	
350	I	OKLAHOMA	ARMY NAT GRD	CAMP GRUBER	MOUT FACILITIES	0	1,954	0	1,954	1,954	
351	I	OKLAHOMA	ARMY NAT GRD	NORMAN	VEHICLE MAINTENANCE COMPLEX PHASE I	0	8,629	0	7,629	7,629	
352	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL ENGINE SHOP	0	0	400	400	400	
353	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL OMS	0	0	430	430	430	
354	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL SQUADRON OPS	0	0	1,350	1,350	1,350	
355	I	OREGON	ARMY NAT GRD	CLACKMAS	RANGE	0	0	1,510	1,500	1,500	
356	I	OREGON	ARMY NAT GRD	LAGRANDE	ARMORY	0	0	3,049	3,049	3,049	
357	I	OREGON	ARMY NAT GRD	LAGRANDE	OMS	0	0	1,220	1,220	1,220	
358	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	FIRE STATION	0	0	1,230	1,230	1,230	
359	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
360	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	SUPPLY WAREHOUSE	0	0	2,575	2,575	2,575	
361	I	OREGON	AIR NAT GRD	PORTLAND IAP	CIVIL ENG. FACILITY	0	0	1,389	1,389	1,389	
362	I	OREGON	AIR NAT GRD	PORTLAND IAP	HANGAR UPDATE	0	0	5,051	5,051	5,051	
363	I	OREGON	AIR NAT GRD	PORTLAND IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	700	700	700	0	700	
364	I	OREGON	AIR NAT GRD	PORTLAND IAP	SITE IMPROVMENTS	0	0	1,100	1,100	1,100	
365	I	PENNSYLVANIA	ARMY	LETTERKENNY ARMY DEPOT	HAZARDOUS MATERIAL WAREHOUSE	5,400	5,400	5,400	0	5,400	
366	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	AVIATION BRIGADE ARMORY (800 PN)	0	7,500	0	7,500	7,500	
367	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	ACADEMIC TRAINING CENTER	0	9,100	0	0	0	1/
368	I	PENNSYLVANIA	ARMY NAT GRD	INDIANA	ARMORY	0	1,700	0	1,700	1,700	
369	I	PENNSYLVANIA	AIR NAT GRD	STATE COLLEGE	COMMUNICATIONS TRAINING FACILITY	0	9,700	0	0	0	1/
370	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ALTER AGE/AVIONICS FACILITY	1,700	1,700	1,700	0	1,700	
371	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ENGINE INSPECTION & REPAIR FACILITY	1,800	1,800	1,800	0	1,800	
372	I	RHODE ISLAND	NAVY	NAVAL UNDERSEA WARFARE CENTER	UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY	0	14,000	0	0	0	6/
373	I	RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	HAZARDOUS AND FLAMMABLE STOREHOUSE	540	540	540	0	540	
374	I	RHODE ISLAND	ARMY NAT GRD	N. KINGSTON	ADAL ARMORY/AVIATION	0	0	4,200	3,300	3,300	
375	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	HAZARD WASTE STORAGE & TRANSFER FAC	600	600	600	0	600	
376	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	WATER DISTRIBUTION SYSTEM	510	510	510	0	510	
377	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	ADD/ALTER PHYSICAL FITNESS CENTER	0	3,300	3,300	3,300	3,300	
378	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADAL APRON/HYDRANT FUELING SYS PH II	15,500	15,500	15,500	0	15,500	
379	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADD/ALTER REGIONAL MAINT COMPLEX	7,200	7,200	7,200	0	7,200	
380	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 AIRCRAFT MAINTENANCE FACILITY	4,000	4,000	4,000	0	4,000	
381	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	COMBAT CONTROL SQUADRON FACILITY	2,150	0	2,150	0	2,150	
382	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	FIRE TRAINING FACILITY	680	680	680	0	680	
383	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	0	1,700	
384	I	SOUTH CAROLINA	ARMY NAT GRD	FOUNTAIN INN	HAWK TRAINING PARK	0	748	748	748	748	
385	I	SOUTH CAROLINA	ARMY NAT GRD	GAFFNEY	ARMORY	0	0	1,510	1,200	1,200	
386	I	SOUTH CAROLINA	ARMY NAT GRD	PICKENS	HAWK TRAINING PARK	0	775	775	775	775	
387	I	SOUTH CAROLINA	ARMY NAT GRD	WARE SHOALS	HAWK TRAINING PARK	0	578	578	578	578	
388	I	SOUTH CAROLINA	AIR NAT GRD	MCENTIRE AIR NAT GRD BASE	JET FUEL STORAGE COMPLEX	3,300	3,300	3,300	0	3,300	
389	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UNDERGROUND FUEL STORAGE TANKS	3,050	3,050	3,050	0	3,050	
390	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UPGRADE WASTEWATER TREATMENT PLANT	830	830	830	0	830	
391	I	SOUTH DAKOTA	ARMY NAT GRD	CAMP RAPID	CSMS MAINTENANCE SHOP	2,800	2,800	2,800	0	2,800	
392	I	SOUTH DAKOTA	ARMY NAT GRD	FORT MEADE	RENOVATE ADMIN. FAC	0	805	805	805	805	
393	I	SOUTH DAKOTA	AIR NAT GRD	FOSS FIELD, SIOUX FALLS	MUNITIONS MAINTENANCE COMPLEX	0	3,000	3,000	3,000	3,000	
394	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	AIRCRAFT FIRE & RESCUE TRAINING FACILITY	9,060	9,060	9,060	0	9,060	
395	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE AND CRASH RESCUE STATION	1,750	1,750	1,750	0	1,750	

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396	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE FIGHTING TRAINING MOCK-UP	3,300	3,300	3,300	0	3,300
397	I	TENNESSEE	DEFENSE AGENCIES	MILLINGTON NAVAL AIR STATION	HOSPITAL LIFE SAFETY/SEISMIC UPGRADE PHASE I.	15,000	15,000	15,000	(5,000)	10,000
398	I	TENNESSEE	ARMY NAT GRD	DUNLAP	ARMORY	0	0	818	790	790
399	I	TENNESSEE	ARMY NAT GRD	ERIN	ARMORY	0	0	1,088	850	850
400	I	TENNESSEE	ARMY NAT GRD	MONTEAGLE	ARMORY	0	950	0	790	790
401	I	TENNESSEE	ARMY NAT GRD	SMYRNA	ADD/ALTER OPS. FAC	0	3,500	3,500	2,600	2,600
402	I	TENNESSEE	ARMY NAT GRD	SMYRNA	CSM SHOP	0	5,500	5,500	5,500	5,500
403	I	TENNESSEE	AIR NAT GRD	MEMPHIS IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	0	1,100
404	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	CONTROLLED-HUMIDITY WAREHOUSE	0	9,600	0	9,600	9,600
405	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	METAL FINISHING & ELECTROPLATING FACILITY	0	11,600	0	11,600	11,600
406	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION	0	13,800	0	13,800	13,800
407	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION	0	11,160	0	11,160	11,160
408	I	TEXAS	ARMY	FORT HOOD	BARRACKS WITH DINING FACILITY	33,000	33,000	33,000	0	33,000
409	I	TEXAS	ARMY	RED RIVER ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC	3,600	3,600	3,600	0	3,600
410	I	TEXAS	NAVY	CORPUS CHRISTI NAVAL AIR STATION	AIRFIELD LIGHTING SYSTEM	4,900	4,900	4,900	0	4,900
411	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	CORROSION CONTROL HANGAR	10,120	10,120	10,120	0	10,120
412	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	ROTHR SITE PREPARATION	0	10,000	10,000	10,000	10,000
413	I	TEXAS	AIR FORCE	BROOKS AFB	ACADEMIC COMPLEX	0	0	9,000	9,000	9,000
414	I	TEXAS	AIR FORCE	DYESS AFB	HYDRANT FUELING SYSTEM PHASE I	7,300	7,300	7,300	0	7,300
415	I	TEXAS	AIR FORCE	GOODFELLOW AFB	PHYSICAL FITNESS CENTER	0	0	3,250	3,250	3,250
416	I	TEXAS	AIR FORCE	KELLY AFB	C-17 ADD/ALTER INTEGRATION SPT FAC	4,850	4,850	4,850	0	4,850
417	I	TEXAS	AIR FORCE	KELLY AFB	CHEMICAL WASTE STAGING FACILITY	970	970	970	0	970
418	I	TEXAS	AIR FORCE	KELLY AFB	FIRE TRAINING FACILITY	740	740	740	0	740
419	I	TEXAS	AIR FORCE	KELLY AFB	INDUSTRIAL WASTE PRETREATMENT FACILITY	2,500	2,500	2,500	0	2,500
420	I	TEXAS	AIR FORCE	KELLY AFB	RENOVATE INDUST WASTEWATER COLLECT SYS	9,300	9,300	9,300	0	9,300
421	I	TEXAS	AIR FORCE	KELLY AFB	UNDERGROUND FUEL STORAGE TANKS	3,000	3,000	3,000	0	3,000
422	I	TEXAS	AIR FORCE	LACKLAND AFB	HIGH SCHOOL/GRADE SCHOOL FACILITIES	0	8,000	0	8,000	8,000
423	I	TEXAS	AIR FORCE	LACKLAND AFB	UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000
424	I	TEXAS	AIR FORCE	LAUGHLIN AFB	T-1 SPECIALIZED UPT MAINTENANCE SUPPORT	5,200	5,200	5,200	0	5,200
425	I	TEXAS	AIR FORCE	LAUGHLIN AFB	UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800
426	I	TEXAS	AIR FORCE	RANDOLPH AFB	UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	0	1,250
427	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT AIRCRFT SPT EQUIP MAINT FAC	490	490	490	0	490
428	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT STUDENT OFFICER HOUSING	4,750	4,750	4,750	0	4,750
429	I	TEXAS	AIR FORCE	SHEPPARD AFB	UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	0	1,750
430	I	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	HOSPITAL REPLACEMENT PHASE VI	27,000	27,000	27,000	0	27,000
431	I	TEXAS	ARMY NAT GRD	CAMP BOWIE, BROWNWOOD	UNIT TRAINING AND EQUIPMENT SITE	0	1,319	0	1,319	1,319

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432	I	TEXAS	ARMY NAT GRD	GREENVILLE	ARMORY	0	1,339	0	1,200	1,200	
433	I	TEXAS	ARMY NAT GRD	KILGORE	ARMORY	0	615	0	615	615	
434	I	TEXAS	ARMY NAT GRD	LUBBOCK	JOINT ARMED FORCES RESERVE CENTER	0	7,937	0	7,937	7,937	
435	I	TEXAS	ARMY NAT GRD	LUBBOCK	ORGANIZATIONAL MAINTENANCE FACILITY	0	696	0	696	696	
436	I	TEXAS	ARMY NAT GRD	MEXIA	ARMORY RENOVATION	0	566	0	566	566	
437	I	TEXAS	ARMY NAT GRD	SAN ANGELO	ARMORY	0	1,767	0	1,767	1,767	
438	I	TEXAS	ARMY NAT GRD	STEPHENVILLE	ADD/ALTER ARMORY	0	591	0	591	591	
439	I	TEXAS	AIR NAT GRD	ELLINGTON ANGB	HANGAR MODIFICATION	0	0	1,700	1,700	1,700	
440	I	TEXAS	AIR NAT GRD	HENSLEY	WAREHOUSE	0	0	4,250	4,250	4,250	
441	I	TEXAS	AIR NAT GRD	KELLY AFB	CIVIL ENGINEERING FACILITY	0	0	2,050	2,050	2,050	
442	I	TEXAS	AIR NAT GRD	NEDERLAND	VEHICLE MAINTENANCE SHOP	0	1,200	0	1,200	1,200	
443	I	UTAH	ARMY	TOOELE ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC	9,200	9,200	9,200	0	9,200	
444	I	UTAH	AIR FORCE	HILL AFB	ACM ADD/ALTER NDI FACILITY	1,450	1,450	0	0	1,450	
445	I	UTAH	AIR FORCE	HILL AFB	ENGINE TEST CELL SUPPORT FAC	0	850	0	850	850	
446	I	UTAH	AIR FORCE	HILL AFB	POWER UPGRADE	0	4,300	0	2,300	2,300	
447	I	UTAH	AIR FORCE	HILL AFB	UNDERGROUND FUEL STORAGE TANKS	1,500	1,500	1,500	0	1,500	
448	I	UTAH	ARMY NAT GRD	BLANDING	ARMORY	0	0	1,290	1,150	1,150	
449	I	UTAH	ARMY NAT GRD	ST. GEORGE	ARMORY	0	2,898	2,898	2,898	2,898	
450	I	UTAH	ARMY NAT GRD	ST. GEORGE	ORGANIZATIONAL MAINTENANCE SHOP/SUBSHOP	0	701	701	562	562	
451	I	UTAH	AIR NAT GRD	SALT LAKE CITY	CIVIL ENG. FACILITY	0	0	1,850	1,850	1,850	
452	I	UTAH	AIR FORCE RESERVE	HILL AFB	AIRCRAFT CORROS CNTROL & FUEL SYS MAINT FAC	0	1,000	0	1,000	1,000	
453	I	VERMONT	AIR NAT GRD	BURLINGTON IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
454	I	VIRGINIA	ARMY	FORT BELVOIR	RAIL EXTENSION	0	0	1,200	1,200	1,200	
455	I	VIRGINIA	ARMY	FT PICKETT	SEWAGE TREATMENT PLANT	5,800	5,800	5,800	0	5,800	
456	I	VIRGINIA	NAVY	DAM NECK	APPLIED INSTRUCTION BLDG EXPANSION	0	13,727	13,727	13,727	13,727	
457	I	VIRGINIA	NAVY	DAM NECK	UPGRADE WATER SYSTEM	0	1,200	1,200	1,200	1,200	
458	I	VIRGINIA	NAVY	DAM NECK	LAND ACQUISITION - 181 ACRES	0	4,500	4,500	4,500	4,500	
459	I	VIRGINIA	NAVY	FT. STORY	NAVY BOMB DISPOSAL TRAINING & EVALUATION FAC.	0	5,650	5,650	5,650	5,650	
460	I	VIRGINIA	NAVY	LITTLE CREEK	BACHELOR ENLISTED QUARTERS FACILITY	0	8,000	8,000	8,000	8,000	
461	I	VIRGINIA	NAVY	LITTLE CREEK	BLAST/PAINT FACILITY	0	5,300	5,300	0	0	3/
462	I	VIRGINIA	NAVY	NAS NORFOLK	MAGAZINE AREA PHYSICAL SECURITY	0	1,450	1,450	1,100	1,100	
463	I	VIRGINIA	NAVY	NAS NORFOLK	RELOCATION OF ORDNANCE PAD	0	2,000	2,000	2,000	2,000	
464	I	VIRGINIA	NAVY	NORFOLK NAVAL STATION	DREDGING	880	880	880	0	880	
465	I	VIRGINIA	NAVY	NORFOLK NAVAL SUPPLY CENTER	COLD STORAGE WAREHOUSE	12,400	12,400	12,400	0	12,400	
466	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	AVIONICS SHOP ADDITION	2,360	2,360	2,360	0	2,360	
467	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	REFUEL VEHICLE SHOP	830	830	830	0	830	

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468	I	VIRGINIA	NAVY	QUANTICO	COMMAND & STAFF COLLEGE FACILITY	0	0	5,000	5,000	5,000
469	I	VIRGINIA	NAVY	YORKTOWN NAVAL WEAPONS STATION	HAZARDOUS WASTE STORAGE FACILITY	1,100	1,100	1,100	0	1,100
470	I	VIRGINIA	AIR FORCE	LANGLEY AFB	BASE ENGINEER COMPLEX	0	5,300	5,300	5,300	5,300
471	I	VIRGINIA	AIR FORCE	LANGLEY AFB	FIRE TRAINING FACILITY	780	780	780	0	780
472	I	VIRGINIA	AIR FORCE	LANGLEY AFB	POL/HYDRANT FUELING SYSTEM	970	970	970	0	970
473	I	VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT PHASE IV	16,000	16,000	16,000	0	16,000
474	I	VIRGINIA	ARMY NAT GRD	SW COMMUNITY COLLEGE, RICHLANDS	ARMORY CONSTRUCTION	0	2,137	2,137	2,137	2,137
475	I	WASHINGTON	NAVY	BANGOR TRIDENT REFIT FACILITY	CAISSON MOORING PLATFORM	1,550	1,550	1,550	0	1,550
476	I	WASHINGTON	NAVY	BREMERTON NAV INACTIVE SHIP MAINT F	MOORING BUOY ELECTRICAL POWER	1,200	1,200	1,200	0	1,200
477	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	ABRASIVE BLAST MATERIAL HANDLING FAC	1,500	1,500	1,500	0	1,500
478	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	BACHELOR ENLISTED QUARTERS	13,300	13,300	13,300	0	13,300
479	I	WASHINGTON	NAVY	EVERETT NAVAL STATION	OIL/WATER SEPARATOR SYSTEM	5,600	5,600	5,600	0	5,600
480	I	WASHINGTON	NAVY	PUGET SOUND NAVAL STAT., BREMENTON	BACHELOR ENLISTED QUARTERS	0	13,300	0	13,300	13,300
481	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	FIRE TRAINING FACILITY	960	960	960	0	960
482	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	UNDERGROUND FUEL STORAGE TANKS	1,550	1,550	1,550	0	1,550
483	I	WASHINGTON	AIR FORCE	MCCHORD AFB	C-141 ADD/ALTER FLIGHT SIMULATOR FAC	1,650	1,650	1,650	0	1,650
484	I	WASHINGTON	AIR FORCE	MCCHORD AFB	FIRE TRAINING FACILITY	890	890	890	0	890
485	I	WASHINGTON	ARMY NAT GRD	GRANDVIEW	ARMORY	0	1,602	1,602	1,500	1,500
486	I	WASHINGTON	ARMY NAT GRD	BUCKLEY	ARMORY	0	1,728	1,728	1,575	1,575
487	I	WASHINGTON	ARMY NAT GRD	MOSES LAKE	ARMORY	0	1,804	1,804	1,675	1,675
488	I	WEST VIRGINIA	ARMY NAT GRD	CLARKSBURG	HANGAR	0	0	5,500	5,500	5,500
489	I	WEST VIRGINIA	ARMY RESERVE	BLUEFIELD	ARMY RESERVE CENTER	0	0	1,921	1,921	1,921
490	I	WEST VIRGINIA	ARMY RESERVE	CLARKSBURG	ARMY RESERVE CENTER	0	0	5,358	5,358	5,358
491	I	WEST VIRGINIA	ARMY RESERVE	GRANTSVILLE	ARMY RESERVE CENTER	0	0	2,785	2,785	2,785
492	I	WEST VIRGINIA	ARMY RESERVE	JANE LEW	ARMY RESERVE CENTER	0	0	1,566	1,566	1,566
493	I	WEST VIRGINIA	ARMY RESERVE	LEWISBURG	ARMY RESERVE CENTER	0	0	1,631	1,631	1,631
494	I	WEST VIRGINIA	ARMY RESERVE	WEIRTON	ARMY RESERVE CENTER	0	0	3,481	3,481	3,481
495	I	WEST VIRGINIA	ARMY RESERVE	WHEELING	ARMY RESERVE CENTER	0	0	6,808	6,808	6,808
496	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	ARMORY	0	2,030	0	2,030	2,030
497	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	VEHICLE STORAGE FACILIY	0	226	0	226	226
498	I	WISCONSIN	ARMY NAT GRD	FORT MCCOY	TRAINING/EDUCATION FACILITY	0	15,000	0	10,712	10,712
499	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT FUEL CELL MAINTENANCE DOCK	0	2,000	2,000	2,000	2,000
500	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT HANGER	0	2,250	2,250	2,250	2,250
501	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	COMPOSITE RAPCON CENTER/COMMUNICATIONS FAC	0	2,600	0	2,600	2,600
502	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000
503	I	WISCONSIN	AIR FORCE RESERVE	MITCHELL FIELD	HANGAR ACQ	0	2,500	0	2,500	2,500

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
504	I	WYOMING	ARMY NAT GRD	CAMP GUERNSEY	BARRACKS UPDATE	0	0	4,447	1,109	1,109	
505	I	WYOMING	AIR FORCE	FE WARREN AFB	UNDERGROUND FUEL STORAGE TANKS	1,050	1,050	1,050	0	1,050	
506	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	AIRCRAFT MAINT DOCK	4,050	0	0	(4,050)	0	3/
507	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	HYDRANT FUELING DISTRIBUTION SYSTEM	10,400	0	0	(10,400)	0	3/
508	I	CONUS UNSPECIFIED	BASE CLOSURE 1	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART I	440,700	440,700	440,700	0	440,700	
509	I	CONUS UNSPECIFIED	BASE CLOSURE 2	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART II	1,743,600	1,743,600	1,743,600	0	1,743,600	
510	I	CONUS VARIOUS	AIR FORCE	CONUS VARIOUS	UNDERGROUND FUEL STORAGE TANKS	3,300	0	3,300	(500)	2,800	
511	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	CLASSIFIED PROJECT	3,000	2,710	2,700	(300)	2,700	
512	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	DEFENSE ACCESS ROADS	0	0	2,400	2,400	2,400	
513	I	CONUS VARIOUS	AIR FORCE	VARIOUS LOCATIONS	GENERAL REDUCTION	0	0	(6,690)	(6,690)	(6,690)	
514	O	ASCENSION ISLAND	AIR FORCE	ASCENSION ISLAND	POWER/DESALINIZATION PLANT	0	0	22,000	22,000	22,000	
515	O	CANADA	AIR FORCE	VARIOUS LOCATIONS-CANADA	FWD OPERATING LOC/DISPRSD OPERATING BASES	19,500	0	0	(19,500)	0	1/
516	O	GERMANY	ARMY	GRAFENWOEHR	SANITARY LANDFILL EXPANSION	11,600	11,600	11,600	0	11,600	
517	O	GERMANY	DEFENSE AGENCIES	HOHENFELS	ADD/ALTER ELEM SCHOOL	13,500	0	0	0	13,500	
518	O	GERMANY	AIR FORCE	RHEIN-MAIN AB	UPGRADE WASTEWATER TREATMENT PLANT	3,100	3,100	3,100	0	3,100	
519	O	GERMANY	DEFENSE AGENCIES	GRAFENWOEHR	ADD/ALTER ELEM SCHOOL	7,400	0	0	(7,400)	0	1/
520	O	GREECE	NAVY	SOUDA BAY CRETE NAVAL SUPPORT ACTIV	BACHELOR ENLISTED QUARTERS	7,600	7,600	7,600	0	7,600	
521	O	GREENLAND	AIR FORCE	THULE AB	ALTER DORMITORY	5,000	5,000	5,000	0	5,000	
522	O	GREENLAND	AIR FORCE	THULE AB	DORMITORY	11,000	11,000	11,000	0	11,000	
523	O	GREENLAND	AIR FORCE	THULE AB	UPGRADE AIRFIELD PAVEMENT PH III	8,900	8,900	8,900	0	8,900	
524	O	GUAM	AIR FORCE	ANDERSEN AFB	FIRE TRAINING FACILITY	2,300	2,300	2,300	0	2,300	
525	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE MANAGEMENT FACILITY	790	790	790	0	790	
526	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANKS	0	4,550	0	4,550	4,550	
527	O	GUAM	AIR FORCE	ANDERSEN AFB	LANDFILL	0	10,000	0	10,000	10,000	
528	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE FACILITY	0	1,500	0	1,500	1,500	
529	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANK	0	4,100	0	4,100	4,100	
530	O	GUAM	ARMY NAT GRD	BARRIGADA	U.S. PROPERY & FISCAL OFFICE & WAREHOUSE	0	1,927	0	1,927	1,927	
531	O	ICELAND	NAVY	KEFLAVIK NAVAL AIR STATION	FUEL FACILITIES (PHASE VIII)	4,940	0	0	(4,940)	0	1/
532	O	JOHNSTON ISLAND	DEFENSE AGENCIES	ON-SITE INSPECTION AGENCY	CHEMICAL DEMILITARIZATION HOUSING	4,600	0	0	(4,600)	0	3/
533	O	JOHNSTON ISLAND	DEFENSE AGENCIES	DNA HDQTRS FIELD COMMAND	GARBAGE AND REFUSE INCENERATOR JA	1,500	1,500	1,500	0	1,500	
534	O	KWAJALEIN	ARMY	KWAJALEIN	POWER PLANT -ROI NAMUR ISLAND	33,000	0	33,000	(33,000)	0	1/
535	O	KWAJALEIN	ARMY	KWAJALEIN	FUEL CONTAINMENT FACILITY UPGRADE	1,200	1,200	1,200	(1,200)	0	1/
536	O	KWAJALEIN	ARMY	KWAJALEIN	HAZARDOUS MATERIAL FACILITIES	8,600	8,600	8,600	(8,600)	0	1/
537	O	KWAJALEIN	ARMY	KWAJALEIN	UNACCOMPANIED PERSONNEL HOUSING	10,000	10,000	10,000	(10,000)	0	1/
538	O	KWAJALEIN	DEFENSE AGENCIES	MISSILE RANGE	GROUND SURVEIL & TRACKING SYSTEM COMPLEX	22,000	0	22,000	0	22,000	
539	O	PORTUGAL	AIR FORCE	LAJES FIELD	FIRE TRAINING FACILITY	950	950	950	0	950	

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540	O	PORTUGAL	AIR FORCE	LAJES FIELD	WASTEWATER TREATMENT AND DISPOSAL SYSTEM.....	7,500	7,500	7,500	0	7,500	
541	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	ADD TO AIRCRAFT PARKING APRON.....	3,800	3,800	3,800	0	3,800	
542	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	COMPOSITE SQUADRON OPERATIONS FACILITY.....	2,800	2,800	2,800	0	2,800	
543	O	UNITED KINGDOM	DEFENSE AGENCIES	CLASSIFIED LOCATION	OPS SYSTEM UNINTERRUPTIBLE POWER SOURCE.....	6,000	6,000	6,000	0	6,000	
544	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	SOUTHWESTER/NSA.....	0	0	3,590	3,590	3,590	
545	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	STRATEGIC MEDICAL STORAGE FACILITY.....	8,000	8,000	8,000	(8,000)	0	1/
546	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	64,803	54,803	3,800	(61,003)	3,800	
547	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	538,795	448,795	0	(538,795)	0	5/
548	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	112,300	112,300	112,300	0	112,300	
549	O	WORLDWIDE VARIOUS	ARMY	VARIOUS WORLDWIDE LOCATIONS	CLASSIFIED PROJECT.....	1,700	1,700	1,700	0	1,700	
550	O	WORLDWIDE VARIOUS	NAVY	VARIOUS LOCATIONS	HOST NATION INFRASTRUCTURE SUPPORT.....	3,000	3,000	3,000	0	3,000	
551	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	72,942	74,292	72,942	2,750	75,692	6/
552	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	82,123	67,123	5,000	(77,123)	5,000	5/
553	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	474,133	389,133	0	(474,133)	0	5/
554	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	95,000	95,000	95,000	0	95,000	
555	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	90,948	82,000	12,000	(83,948)	7,000	5/
556	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	367,446	271,094	0	(367,446)	0	5/
557	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED	ENERGY CONSERVATION.....	0	60,000	0	60,000	60,000	
558	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (OSIS).....	1,000	0	0	(1,000)	0	5/
559	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMA).....	2,400	2,400	0	(2,400)	0	5/
560	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMA).....	6,100	6,100	0	(6,100)	0	5/
561	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DISA).....	1,261	1,261	0	(1,261)	0	5/
562	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DISA).....	1,539	1,539	0	(1,539)	0	5/
563	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DNA).....	800	800	0	(800)	0	5/
564	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	REPAIR OF REAL PROPERTY (DNA).....	3,500	3,500	0	(3,500)	0	5/
565	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (NSA).....	3,307	3,307	0	(3,307)	0	5/
566	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (NSA).....	14,118	14,118	0	(14,118)	0	5/
567	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (OSD).....	21,168	21,168	21,168	0	21,168	
568	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION (OSD).....	10,000	10,000	10,000	0	10,000	
569	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (SDIO).....	10,000	0	5,000	(5,000)	5,000	
570	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD MILCON	UNSPECIFIED MINOR CONSTRUCTION (SOC).....	4,500	4,500	700	(3,800)	700	5/
571	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DODDS).....	14,656	14,656	3,000	(11,656)	3,000	5/
572	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DODDS).....	25,400	25,400	0	(25,400)	0	5/
573	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMSA).....	6,398	6,398	2,908	(3,490)	2,908	5/
574	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMSA).....	88,761	88,761	0	(88,761)	0	5/
575	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (DMSA).....	34,650	64,650	35,650	30,000	64,650	7/

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576	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DIA).....	892	892	0	(892)	0	5/
577	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DIA).....	1,338	1,338	0	(1,338)	0	5/
578	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (JCS).....	5,900	5,900	5,900	0	5,900	
579	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS WORLDWIDE	CONFORMING STORAGE FACILITIES.....	3,580	3,580	3,580	0	3,580	
580	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,100	4,465	3,390	1,900	5,000	8/
581	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	10,600	10,600	5,500	(5,100)	5,500	5/
582	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	29,300	28,363	0	(29,300)	0	5/
583	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,845)	0	0	
584	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	21,800	21,800	3,800	(16,800)	5,000	
585	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	23,000	18,750	0	(23,000)	0	
586	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	12,700	12,700	12,700	5,000	17,700	
587	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(19,841)	0	0	
588	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	5,900	5,900	6,500	3,000	8,900	
589	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PRIOR YEAR COST INCREASES.....	0	0	5,300	0	0	
590	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	5,700	5,700	2,400	(3,300)	2,400	5/
591	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	19,900	19,900	0	(19,900)	0	5/
592	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,245)	0	0	
593	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	2,900	2,900	2,900	0	2,900	
594	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	2,300	2,300	500	(1,800)	500	5/
595	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REAL PROPERTY REPAIR.....	26,072	26,072	0	(26,072)	0	5/
596	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,485)	0	0	
597	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	2,500	2,500	2,500	0	2,500	
598	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	8,400	8,400	4,400	(4,000)	4,400	5/
599	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	24,500	24,500	0	(24,500)	0	5/
600	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(3,657)	0	0	
601	O	WORLDWIDE UNSPECIFIED	NATO	OSD MILCON	NATO INFRASTRUCTURE.....	221,200	121,200	221,200	(161,200)	60,000	
602	I	HAWAII	FHC ARMY	VARIOUS OAHU	NEW CONSTRUCTION (200).....	23,000	23,000	23,000	0	23,000	
603	I	KENTUCKY	FHC ARMY	FORT CAMPBELL	NEW CONSTRUCTION (96).....	0	0	8,200	8,200	8,200	
604	I	TEXAS	FHC ARMY	FT. HOOD	FAMILY HOUSING (227 UNITS).....	0	28,000	0	25,000	25,000	
605	I	VIRGINIA	FHC ARMY	FT. PICKETT	FAMILY HOUSING (26 UNITS).....	0	2,300	0	2,300	2,300	
606	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS.....	143,660	149,160	155,860	(51,060)	92,600	9/
607	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING.....	8,940	8,940	8,940	0	8,940	
608	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	INTEREST PAYMENTS.....	50	50	50	0	50	
609	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT.....	64,840	64,840	64,840	0	64,840	
610	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT.....	52,036	47,036	52,036	(5,000)	47,036	
611	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING.....	358,241	358,241	358,241	0	358,241	

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612	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	313,736	313,736	313,736	0	313,736	
613	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,973	1,973	1,973	0	1,973	
614	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	93,678	93,678	93,678	0	93,678	
615	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	495,836	495,836	495,836	(11,820)	484,016	
616	I	ALASKA	FHC NAVY	ADAK NAVAL AIR STATION	NEW CONSTRUCTION (46)	11,820	0	0	(11,820)	0	3/
617	I	CALIFORNIA	FHC NAVY	MARINE CORPS BASE CAMP PENDLETON	NEW CONSTRUCTION (300)	30,600	30,600	30,600	0	30,600	
618	I	CALIFORNIA	FHC NAVY	NAVAL COMPLEX SAN DIEGO	NEW CONSTRUCTION (300)	30,400	30,400	30,400	0	30,400	
619	I	CONNECTICUT	FHC NAVY	NSB NEW LONDON	NEW CONSTRUCTION (100)	11,850	11,850	11,850	0	11,850	
620	I	HAWAII	FHC NAVY	BARKING SANDS PACIFIC MISSILE RANGE	NEW CONSTRUCTION (13)	2,330	2,330	2,330	0	2,330	
621	I	HAWAII	FHC NAVY	VARIOUS OAHU	FAMILY HOUSING (758)	0	11,820	182,500	117,180	117,180	
622	I	NEW JERSEY	FHC NAVY	NAVAL WEAPONS STATION EARLE	NEW CONSTRUCTION (COMMUNITY CENTER)	1,100	1,100	1,100	0	1,100	
623	I	VIRGINIA	FHC NAVY	NORFOLK NAVAL STATION	DEMOLITION & SITE PREPARATION	0	0	0	7,000	7,000	
624	I	WASHINGTON	FHC NAVY	NAVY SUBMARINE BASE BANGOR	FAMILY HOUSING UNITS (200)	0	19,500	0	19,500	19,500	
625	I	WASHINGTON	FHC NAVY	NAVAL SUBMARINE BASE BANGOR	NEW CONSTRUCTION (200)	19,500	19,500	19,500	0	19,500	
626	I	WEST VIRGINIA	FHC NAVY	SUGAR GROVE NAVAL RADIO STATION	NEW CONSTRUCTION (8)	930	0	930	0	930	
627	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	198,340	198,340	198,340	(67,496)	130,844	
628	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	14,200	14,200	14,200	0	14,200	
629	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	104,470	104,470	104,470	0	104,470	
630	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	262,840	262,840	262,840	(34,931)	227,909	
631	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	23,766	23,766	23,766	0	23,766	
632	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	68,284	68,284	68,284	0	68,284	
633	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,068	1,068	1,068	0	1,068	
634	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	90	90	90	0	90	
635	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	41,549	41,549	41,549	0	41,549	
636	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	194,110	194,110	194,110	0	194,110	
637	I	CALIFORNIA	FHC AIR FORCE	BEALE AFB	HOUSING OFFICE	306	0	306	0	306	
638	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	ADDITONAL FUNDS FOR 320 HOUSING UNITS	0	13,000	0	0	0	
639	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	FAMILY HOUSING (320 UNITS)	25,351	25,351	25,351	13,000	38,351	
640	I	FLORIDA	FHC AIR FORCE	PATRICK AFB	FAMILY HOUSING (250 UNITS)	16,000	16,000	22,500	6,500	22,500	
641	I	GEORGIA	FHC AIR FORCE	MOODY AFB	HOUSING MAINTENANCE FACILITY	290	0	290	0	290	
642	I	GEORGIA	FHC AIR FORCE	ROBINS AFB	FAMILY HOUSING (55 UNITS)	3,153	3,153	3,153	0	3,153	
643	I	ILLINOIS	FHC AIR FORCE	SCOTT AFB	FAMILY HOUSING PHASE I (300)	0	0	20,000	20,000	20,000	
644	I	LOUISIANA	FHC AIR FORCE	BARKSDALE AFB	HOUSING MAINTENANCE & STORAGE FACILITY	443	0	443	0	443	
645	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	FAMILY HOUSING (361 UNITS)	32,951	32,951	32,951	0	32,951	
646	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	HOUSING OFFICE	480	0	480	0	480	
647	I	NORTH DAKOTA	FHC AIR FORCE	MINOT AFB	HOUSING MAINTENANCE & STORAGE FACILITY	286	0	286	0	286	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
648	I	SOUTH CAROLINA	FHC AIR FORCE	SHAW AFB	HOUSING OFFICE	351	0	351	0	351
649	I	UTAH	FHC AIR FORCE	HILL AFB	FAMILY HOUSING (82 UNITS)	6,353	6,353	6,353	0	6,353
650	O	PORTUGAL	FHC AIR FORCE	LAJES FIELD	WATER WELLS	865	865	865	0	865
651	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	7,457	7,457	7,457	0	7,457
652	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	227,824	227,824	227,824	(77,824)	150,000
653	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	26,633	26,633	26,633	0	26,633
654	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	261,052	261,052	261,052	0	261,052
655	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	150,800	150,800	150,800	0	150,800
656	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	396,943	396,943	396,943	(9,347)	387,596
657	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	46,354	46,354	46,354	0	46,354
658	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	9,755	9,755	9,755	0	9,755
659	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	70	70	70	0	70
660	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	50,681	45,681	50,681	(5,000)	45,681
661	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	148	148	148	0	148
662	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	10,374	10,374	10,374	0	10,374
663	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	521	521	521	0	521
664	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	44	44	44	0	44
665	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	8	8	8	0	8
666	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	321	321	321	0	321
667	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	1,702	1,702	1,702	0	1,702
668	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	13,185	13,185	13,185	0	13,185
669	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	424	424	424	0	424
670	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	43	43	43	0	43
671	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	991	991	991	0	991
672	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	150	150	150	0	150
673	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	54	54	54	0	54
674	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	435	435	435	0	435
675	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	PAYMENT TO HOMEOWNERS	7,334	7,334	7,334	0	7,334
676	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	OTHER OPERATING COSTS	29,596	29,596	29,596	0	29,596
677	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	ACQUISITION OF REAL PROPERTY	96,070	96,070	96,070	0	96,070
678	O	WORLDWIDE UNSPECIFIED	DEBT	UNSPECIFIED WORLDWIDE LOCATIONS	DEBT REDUCTION	127	127	127	0	127
679	I	ALASKA	DEAUTH 1992	SHEMYA	VARIOUS PROJECTS	0	0	(28,100)	(28,100)	(28,100)
680	I	ARIZONA	DEAUTH 1992	LUKE AFB	CONSTRUCT COURSE TRAIN FAC	0	0	(2,800)	(2,800)	(2,800)
681	I	GEORGIA	DEAUTH 1991	ROBINS AFB	VARIOUS PROJECTS	0	0	(12,500)	(12,500)	(12,500)
682	I	MICHIGAN	DEAUTH 1991	KI SAWYER	ALTER TAXIWAY BARRIER	0	0	(1,300)	(1,300)	(1,300)
683	I	MONTANA	DEAUTH 1992	VARIOUS LOCATIONS	VARIOUS PROJECTS	0	0	(1,400)	(1,400)	(1,400)

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
684	I	NEW YORK	DEAUTH 1992	GRIFFISS AFB	ALERT TAXIWAY BARRIER	0	0	(1,200)	(1,200)	(1,200)
685	I	NORTH CAROLINA	DEAUTH 1989	MCAS CHERRY POINT	FORWARD TRAIN AREA	0	0	(8,280)	(8,280)	(8,280)
686	I	OKLAHOMA	DEAUTH 1991	TINKER AFB	B2-ADD HANGAR FIRE PROT SYS	0	0	(3,600)	(3,600)	(3,600)
687	I	SOUTH CAROLINA	DEAUTH 1991	MYRTLE BEACH AFB	MIL FAMILY HOUSING OFF	0	0	(258)	(258)	(258)
688	I	SOUTH DAKOTA	DEAUTH 1992	ELLSWORTH AFB	ALERT TAXIWAY BARRIER	0	0	(670)	(670)	(670)
689	I	TEXAS	DEAUTH 1992	SHEPPARD AFB	ALTER FLIGHT TRAIN FAC	0	0	(420)	(420)	(420)
690	I	WORLDWIDE UNSPECIFIED	DEAUTH 1989	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS	0	0	(1,160)	(1,160)	(1,160)
691	I	WORLDWIDE UNSPECIFIED	DEAUTH 1990	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS	0	0	(6,550)	(6,550)	(6,550)
692	I	WORLDWIDE UNSPECIFIED	DEAUTH 1991	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS	0	0	(3,770)	(3,770)	(3,770)

1/ NO APPROPRIATION
2/ QUESTION FUTURE OF HOMESTEADAFB
3/ NO LONGER REQUIRED
4/ PROGRAM DELAY
5/ TRANSFER TO O&M ACCOUNT
6/ INCLUDES $1.4 MILLION TO INITIATE DESIGN ON UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY AT NAVAL UNDERSEA WARFARE CENTER, RHODE ISLAND; AND $1.35 MILLION FOR DESIGN OF IMPROVEMENTS AT NAVAL STATION MAYPORT, FLORIDA
7/ INCLUDES $30 MILLION TO COMPLETE DESIGN OF FITZSIMONS ARMY MEDICAL CENTER, AURORA, COLORADO
8/ INCLUDES $95,000.00 FOR DESIGN OF DANVILLE, VA ARMORY; $98,000.00 FOR FACILITIES AT JOHNSTOWN, PA; AND $290,000.00 FOR A MASTER PLAN FOR SMYRNA, TN
9/ INCLUDES CONSTRUCTION IMPROVEMENTS AT THE FOLLOWING LOCATIONS: $5.5 MILLION FOR FORT MCCLELLAN, AL; $6.5 MILLION FOR FORT WAINWRIGHT; AND $5.7 MILLION
10/ PRIOR YEAR APPROPRIATION

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A of Title XXXI of Division C of the House bill would authorize appropriations for the national security programs of the Department of Energy, in the amount of $11.9 billion.

Subtitle A of Title XXXI of Division C of the Senate amendment would authorize $11.8 billion for these purposes.

The conferees recommend an authorization of $11.9 billion.

The budget request, the authorizations contained in the House bill and the Senate amendment, and the conference agreement are presented in the following tables.

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Fiscal Year 1993 Atomic Energy Defense Activities
Summary
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Weapons Activities	4,623.428	4,622.089	4,548.749	4,415.089	4,502.249	-119.840
Operating Expenses	(4,075.800)	(4,146.909)	(4,103.909)	(4,016.909)	(4,058.409)	(-88.500)
Construction	(295.578)	(343.195)	(343.195)	(339.195)	(341.195)	(-2.000)
Capital Equipment	(252.050)	(219.535)	(229.845)	(219.535)	(230.845)	(11.310)
Adjustments		(-87.550)	(-128.200)	(-160.550)	(-128.200)	(-40.650)
New Production Reactors	515.500	4.028	171.800	34.028	34.028	30.000
Operating Expenses	(142.835)	(130.800)	(141.510)	(184.028)	(184.028)	(53.228)
Construction	(361.465)		(149.290)			
Capital Equipment	(11.200)		(6.000)			
Adjustments		(-126.772)	(-125.000)	(-150.000)	(-150.000)	(-23.228)
Defense Environmental Restoration & Waste Mgmt.	3,680.672	4,825.492	4,663.009	4,852.772	4,831.547	6.055
Operating Expenses	(3,177.142)	(4,078.452)	(3,952.918)	(4,108.452)	(4,098.452)	(20.000)
Construction	(449.926)	(606.579)	(560.893)	(603.859)	(603.859)	(-2.720)
Capital Equipment	(121.832)	(153.198)	(149.198)	(153.198)	(153.198)	
Adjustments	(-68.228)	(-12.737)		(-12.737)	(-23.962)	(-11.225)
Materials Production & Other Defense Programs	3,148.400	2,687.020	2,559.361	2,487.510	2,554.301	-132.719
Operating Expenses	(2,563.943)	(2,708.366)	(2,547.366)	(2,573.856)	(2,617.256)	(-91.110)
Construction	(368.590)	(227.550)	(242.550)	(227.550)	(227.550)	
Capital Equipment	(165.967)	(158.127)	(158.127)	(163.127)	(163.177)	(5.050)
Adjustments	(49.900)	(-407.023)	(-388.682)	(-477.023)	(-453.682)	(-46.659)
Total, DOE Defense Activities	11,968.000	12,138.629	11,942.919	11,789.399	11,922.125	-216.504
Operating Expenses	(9,959.720)	(11,064.527)	(10,745.703)	(10,883.245)	(10,958.145)	(-106.382)
Construction	(1,475.559)	(1,177.324)	(1,295.928)	(1,170.604)	(1,172.604)	(-4.720)
Capital Equipment	(551.049)	(530.860)	(543.170)	(535.860)	(547.220)	(16.360)
Adjustments	(-18.328)	(-634.082)	(-641.882)	(-800.310)	(-755.844)	(-121.762)
Defense Nuclear Facilities Safety Board	12.000	13.000	13.000	13.000	13.000	
Total, Atomic Energy Defense Activities	11,980.000	12,151.629	11,955.919	11,802.399	11,935.125	-216.504

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Research and development	1,182.600	1,218.900	1,175.900	1,283.900	1,214.900	-4.000
Inertial confinement fusion	(166.300)	(174.300)	(181.300)	(189.300)	(181.300)	(7.000)
Accelerator transmutation of waste					(5.000)	(5.000)
Testing	457.500	429.500	429.500	309.500	375.000	-54.500
Production and surveillance	2,273.950	2,172.600	2,172.600	2,122.600	2,142.600	-30.000
Program direction	161.750	325.909	325.909	300.909	325.909	
Total, Operating Expenses	4,075.800	4,146.909	4,103.909	4,016.909	4,058.409	-88.500
Construction						
Research and Development						
GPD-101, general plant projects, various locations	28.800	21.000	21.000	20.000	21.000	
92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations	6.600	35.000	35.000	35.000	35.000	
90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations	34.100	50.120	50.120	50.120	50.120	
88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico	1.515	1.000	1.000	1.000	1.000	

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations	53.608	34.400	34.400	34.400	34.400	
87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California	5.300					
Total, Research and Development	129.923	141.520	141.520	140.520	141.520	
Testing						
GPD-101, general plant projects, various locations		7.650	7.650	7.650	7.650	
93-D-102, Nevada support facility, North Las Vegas, Nevada		2.000	2.000			-2.000
85-D-105, combined device assembly facility, Nevada Test Site, Nevada	12.027	3.610	3.610	3.610	3.610	
Total, Testing	12.027	13.260	13.260	11.260	11.260	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Production and Surveillance						
GPD-121, general plant projects, various locations	34.700	27.350	27.350	26.350	27.350	
93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee		2.700	2.700	2.700	2.700	
92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado	7.200	5.300	5.300	5.300	5.300	
92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado	5.200	8.700	8.700	8.700	8.700	
92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado	3.500					
92-D-126, replace emergency notification systems, various locations	4.200	10.900	10.900	10.900	10.900	
91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio	4.000					
91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado		6.300	6.300	6.300	6.300	
90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas	12.927					

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-126, environmental, safety, and health enhancements, various locations	1.428	9.200	9.200	9.200	9.200	
88-D-122, facilities capability assurance program, various locations	47.473	87.100	87.100	87.100	87.100	
88-D-123, security enhancements, Pantex Plant, Amarillo, Texas	30.000					
88-D-124, fire protection upgrade, various locations						
86-D-130, tritium loading facility replacement, Savannah River Site, Aiken, South Carolina		4.865	4.865	4.865	4.865	
85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee	3.000					
Total, Production and Surveillance	153.628	162.415	162.415	161.415	162.415	
Program Direction						
93-D-123, Complex-21, various locations		26.000	26.000	26.000	26.000	
Total, Construction	295.578	343.195	343.195	339.195	341.195	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Capital Equipment						
Research and Development	252.050	103.820	114.130	103.820	115.130	11.310
Inertial confinement fusion	(30.700)	(31.010)	(41.320)	(31.000)	(31.010)	
Testing		31.100	31.100	31.100	31.100	
Production and Surveillance		80.685	80.685	80.685	80.685	
Program Direction		3.930	3.930	3.930	3.930	
Total, Capital Equipment	252.050	219.535	229.845	219.535	230.845	11.310
Adjustments						
Anticipated Savings				-73.000		
Departmental Administration		-9.350		-9.350		9.350
Use of prior year balances		-78.200	-128.200	-78.200	-128.200	-50.000
Total, Adjustments		-87.550	-128.200	-160.550	-128.200	-40.650
Total, Weapons Activities	4,623.428	4,622.089	4,548.749	4,415.089	4,502.249	-119.840

Fiscal Year 1993 Atomic Energy Defense Activities
New Production Reactors
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses	142.835	130.800	141.510	184.028	184.028	53.228
Construction						
92-D-300, new production reactor capacity, various locations	359.465					
92-D-301, new production reactor (NPR) safety center, Los Alamos National Laboratory, Los Alamos, New Mexico	2.000					
88-D-154, new production reactor capacity, various locations (design only)			149.290			
Total, Construction	361.465		149.290			
Capital Equipment	11.200		6.000			
Adjustments						
Use of prior year balances		-125.000	-125.000	-150.000	-150.000	
Departmental Administration		-1.772				1.772
Total, New Production Reactors	515.500	4.028	171.800	34.028	34.028	30.000

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Corrective Activities - Environment	27.689	2.431	2.431	2.431	2.431	
Corrective Activities - Defense Programs	33.518	7.386	7.386	7.386	7.386	
Environmental Restoration	1,074.392	1,448.427	1,380.670	1,448.427	1,448.427	
Worker protection training	(10.000)		(10.000)		(10.000)	(10.000)
Water management programs				(40.000)	(40.000)	(40.000)
Waste Management	1,723.796	2,252.037	2,186.260	2,252.037	2,252.037	
Technology Development	274.778	300.700	330.700	330.700	320.700	20.000
Continuous emissions monitoring	(0.400)		(0.400)		(0.400)	(0.400)
Accelerator transmutation of waste	(10.000)		(15.000)		(10.000)	(10.000)
Scholarship and fellowship programs	(1.000)		(1.000)		(1.000)	(1.000)
Transportation Management	18.220	19.335	19.335	19.335	19.335	
Program Direction	24.749	48.136	26.136	48.136	48.136	
Total, Operating Expenses	3,177.142	4,078.452	3,952.918	4,108.452	4,098.452	20.000
Construction						
Corrective Activities - Environment						
GPD-171, general plant projects, various locations	88.027	0.528	0.528	0.528	0.528	
89-D-172, Hanford environmental compliance, Richland, Washington	27.700					
Total, Corrective Activities - Environment	115.727	0.528	0.528	0.528	0.528	
Corrective Activities - Defense						
GPD-171, general plant projects, various locations		1.720	1.720	1.720	1.720	
92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, Livermore, California	3.000	5.500	5.500	5.500	5.500	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, Livermore, California	3.500	10.100	10.100	10.100	10.100	
90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico		6.315	6.315	6.315	6.315	
90-D-125, steam ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee	8.122					
89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio	0.041					
88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico	1.546					
Total, Corrective Activities - Defense	16.209	23.635	23.635	23.635	23.635	
Waste Management						
GPD-171, general plant projects, various locations		81.037	81.037	81.037	81.037	
93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho		1.000	1.000	1.000	1.000	
93-D-173, long-term storage TMI fuel, Idaho National Engineering Laboratory, Idaho Falls, Idaho		2.720				-2.720

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee		1.800	1.800	1.800	1.800	
93-D-175, industrial waste compacting facility, Y-12 Plant, Oak Ridge, Tennessee		2.200	2.200	2.200	2.200	
93-D-176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee		4.000	4.000	4.000	4.000	
93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee		1.500	1.500	1.500	1.500	
93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado		2.700	2.700	2.700	2.700	
93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington		8.700	8.700	8.700	8.700	
93-D-181, radioactive waste line replacement, Richland, Washington		0.350	0.350	0.350	0.350	
93-D-182, replacement of cross-site trans. system, Richland, Washington		4.495	4.495	4.495	4.495	
93-D-183, multi-tank waste storage facility, Richland, Washington		10.300	10.300	10.300	10.300	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-184, 325 facility compliance/renovation, Richland, Washington		1.500	1.500	1.500	1.500	
93-D-185, landlord program safety compliance, phase II, Richland, Washington		0.849	0.849	0.849	0.849	
93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington		1.000	1.000	1.000	1.000	
93-D-187, high level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-188, new sanitary landfill, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico	6.640	3.000	3.000	3.000	3.000	
92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas	2.400	1.900	1.900	1.900	1.900	
92-D-173, NOx abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	7.000	7.000	7.000	7.000	7.000	
92-D-174, sanitary landfill, Idaho National Engineering Laboratory, Idaho Falls, Idaho	10.000					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-176, B plant safety class ventilation upgrades, Richland, Washington	4.400					
92-D-177 tank 101-AZ waste retrieval system, Richland, Washington	5.800	3.000	3.000	3.000	3.000	
92-D-180, inter-area line upgrade, Savannah River Site, Aiken, South Carolina	2.100	3.170	5.840	3.170	3.170	
92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho Falls, Idaho	3.000	8.000	8.000	8.000	8.000	
92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.100	3.700	3.700	3.700	3.700	
92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho Falls, Idaho	0.895	5.860	5.860	5.860	5.860	
92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington	0.300	3.700	3.700	3.700	3.700	
92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington	0.800	6.500	6.500	6.500	6.500	
92-D-186, steam system rehabilitation, Phase II, Richland, Washington	0.400					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington	1.100	1.724	1.724	1.724	1.724	
92-D-188, waste management environment, safety and health, and compliance activities, various locations		1.000	1.000	1.000	1.000	
91-D-171, waste receiving and processing facility module 1, Richland, Washington	7.400	21.800	21.800	21.800	21.800	
91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	30.000	57.530	57.530	57.530	57.530	
91-D-173, hazardous low-level waste processing tanks, Savannah River Site, South Carolina	10.100	15.300	15.300	15.300	15.300	
91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington	4.419	0.981	0.981	0.981	0.981	
90-D-126, environment, safety, and health improvements, various locations	7.419					
90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington	1.116					
90-D-172, aging waste transfer lines, Richland, Washington	6.000					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-173, B plant canyon crane replacement, Richland, Washington	5.800					
90-D-174, decontamination laundry facility, Richland, Washington	3.700	7.442	7.442	7.442	7.442	
90-D-175, landlord program safety compliance-I, Richland, Washington	8.840	4.753	4.753	4.753	4.753	
90-D-176, transuranic (TRU) waste facility, Savannah River Site, South Carolina	5.500	5.000	5.000	5.000	5.000	
90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	25.000	41.700	41.700	41.700	41.700	
90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho	4.490					
89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee	9.238	4.200	4.200	4.200	4.200	
89-D-141, M-area waste disposal, Savannah River Site, Aiken, South Carolina	4.170					
89-D-172, Hanford environmental compliance, Richland, Washington		49.950	44.950	49.950	49.950	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
89-D-173, tank farm ventilation upgrade, Richland, Washington	4.231	7.000	7.000	7.000	7.000	
89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina	14.145	15.795	15.795	15.795	15.795	
89-D-175, hazardous waste/mixed waste disposal facility, Savannah River Site, Aiken, South Carolina	4.330	7.900	7.900	7.900	7.900	
88-D-173, Hanford waste vitrification plant, Richland, Washington	79.200	81.471	81.471	81.471	81.471	
87-D-180, burial ground expansion, Savannah River, South Carolina		8.800		8.800	8.800	
87-D-181, diversion box and pump pit containment buildings, Savannah River Site, Aiken South Carolina	4.697	1.904	3.386	1.904	1.904	
86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California	5.060	2.755	2.755	2.755	2.755	
83-D-148, non-radioactive hazardous waste management, Savannah River Site, Aiken, South Carolina	9.100	10.330	9.612	10.330	10.330	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
81-T-105, defense waste processing facility, Savannah River Site, Aiken, South Carolina		32.600		32.600	32.600	
Total, Waste Management	300.890	553.916	508.230	551.196	551.196	-2.720
Technology Development						
91-EM-100, environmental and molecular sciences laboratory, Richland, Washington	17.100	28.500	28.500	28.500	28.500	
Total, Construction	449.926	606.579	560.893	603.859	603.859	-2.720
Capital Equipment						
Corrective Activities - Environment	1.249					
Corrective Activities - Defense Programs	6.520	1.120	1.120	1.120	1.120	
Waste Management	95.913	132.749	128.749	132.749	132.749	
Technology Development	17.500	16.200	16.200	16.200	16.200	
Transportation Management	0.650	0.465	0.465	0.465	0.465	
Program direction		2.664	2.664	2.664	2.664	
Total, Capital Equipment	121.832	153.198	149.198	153.198	153.198	
Adjustments						
Departmental Administration		-14.498		-14.498		14.498
Program savings & slippages	-68.228	-16.100		-16.100		16.100
Use of prior year balances					-41.823	-41.823
Facility Transition		17.861		17.861	17.861	
Total, Defense Environmental Restoration & Waste Mgm	3,680.672	4,825.492	4,663.009	4,852.772	4,831.547	6.055

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Materials Production						
Reactor operations	584.418	553.209	553.209	553.209	553.209	
Processing of nuclear materials	531.217	491.992	493.592	466.992	491.992	
Supporting services	305.433	308.736	307.136	288.736	307.136	-1.600
Program direction	43.244	66.538	66.538	66.538	66.538	
Total, Materials Production	1,464.312	1,420.475	1,420.475	1,375.475	1,418.875	-1.600
Verification and Control Technology	209.900	406.215	240.215	301.215	301.215	-105.000
Nuclear Safeguards and Security	88.731	96.837	81.837	96.837	86.837	-10.000
Security Investigations	62.600	58.289	58.289	58.289	58.289	
Office of Security Evaluations	15.000	15.150	15.150	5.150	15.150	
Office of Nuclear Safety			20.000	25.490	25.490	25.490
Naval Reactors						
Plant development	93.000	105.000	105.000	105.000	105.000	
Reactor development	285.997	306.300	306.300	306.300	306.300	
Reactor operation and evaluation	205.600	206.000	206.000	206.000	206.000	
Program direction	15.963	17.100	17.100	17.100	17.100	
Enrichment materials	122.840	77.000	77.000	77.000	77.000	
Total, Naval Reactors	723.400	711.400	711.400	711.400	711.400	
Total, Operating Expenses	2,563.943	2,708.366	2,547.366	2,573.856	2,617.256	-91.110

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Construction						
Materials Production						
Reactor Operations						
92-D-141, reactor seismic improvement, Savannah River Site, Aiken, South Carolina	14.200	5.000	5.000	5.000	5.000	
90-D-150, reactor safety assurance, phases I, II, and III, Savannah River Site, Aiken, South Carolina	14.530	4.210	4.210	4.210	4.210	
89-D-148, improved reactor confinement system, Savannah River Site, Aiken, South Carolina	12.121	4.240	4.240	4.240	4.240	
86-D-152, reactor electrical distribution system, Savannah River Site, Aiken, South Carolina		5.647	5.647	5.647	5.647	
85-D-145, fuel production facility, Savannah River Site, Aiken, South Carolina		17.000	17.000	17.000	17.000	
Total, Reactor Operations	40.851	36.097	36.097	36.097	36.097	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Processing of Nuclear Materials						
92-D-140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina	12.000	12.500	12.500	12.500	12.500	
92-D-142, nuclear material processing training center, Savannah River Site, Aiken, South Carolina	2.500	11.700	11.700	11.700	11.700	
90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho Falls, Idaho	12.000	1.553	1.553	1.553	1.553	
Total, Processing of Nuclear Materials	26.500	25.753	25.753	25.753	25.753	
Supporting Services						
GPD-146, general plant projects, various locations	40.000	32.260	32.260	32.260	32.260	
93-D-147, domestic water system upgrade, Savannah River Site, Aiken, South Carolina		1.000	1.000	1.000	1.000	
93-D-148, replace high/low level drain lines, Savannah River Site, Aiken, South Carolina		0.800	0.800	0.800	0.800	
93-D-152, environmental modification for production facilities, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-153, uranium recovery hydrogen fluoride upgrade, Y-12 Plant, Oak Ridge, Tennessee		2.400	2.400	2.400	2.400	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-143, health protection instrument calibration facility, Savannah River Site, Aiken, South Carolina	2.000	8.000	8.000	8.000	8.000	
92-D-150, operations support facilities, Savannah River Site, Aiken, South Carolina	3.000	4.100	4.100	4.100	4.100	
92-D-151, plant maintenance and improvements, Phase I, Savannah River Site, Aiken, South Carolina	4.060					
92-D-153, engineering support facility, Savannah River Site, Aiken, South Carolina	8.017	3.500	3.500	3.500	3.500	
91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River Site, Aiken, South Carolina	2.614					
90-D-149, plantwide fire protection, Phases I and II, Savannah River Site, Aiken, South Carolina	39.000	39.685	39.685	39.685	39.685	
90-D-151, engineering center, Savannah River Site, Aiken, South Carolina	0.105					
89-D-140, additional separations safeguards, Savannah River Site, Aiken, South Carolina	28.150	13.104	13.104	13.104	13.104	
88-D-153, additional reactor safeguards, Savannah River Site, Aiken, South Carolina	6.528					

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations	36.865	11.651	11.651	11.651	11.651	
85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	82.700		15.000			
Total, Supporting Services	253.039	118.500	133.500	118.500	118.500	
Total, Materials Production	320.390	180.350	195.350	180.350	180.350	
Verification and control technology						
90-D-186 center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico	10.000	10.000	10.000	10.000	10.000	
Total, Verification and control technology	10.000	10.000	10.000	10.000	10.000	
Nuclear Safeguards and Security						
GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico	2.000	2.000	2.000	2.000	2.000	
Total, Nuclear Safeguards and Security	2.000	2.000	2.000	2.000	2.000	
Naval Reactors						
GPN-101, general plant projects, various locations	8.500	8.500	8.500	8.500	8.500	
93-D-200, planning summary		2.200	2.200	2.200	2.200	
92-D-200, laboratories facilities upgrades, various locations	4.900	7.500	7.500	7.500	7.500	
90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho Falls, Idaho	15.000	13.600	13.600	13.600	13.600	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.800	0.500	0.500	0.500	0.500	
90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York	5.000	2.900	2.900	2.900	2.900	
Total, Naval Reactors	36.200	35.200	35.200	35.200	35.200	
Total, Construction	368.590	227.550	242.550	227.550	227.550	
Capital Equipment						
Materials Production	92.198	80.900	80.900	80.900	80.900	
Verification and control technology	10.100	11.500	11.500	16.500	16.500	5.000
Nuclear Safeguards and Security	5.269	5.327	5.327	5.327	5.327	
Office on Nuclear Safety					0.050	0.050
Naval Reactors	58.400	60.400	60.400	60.400	60.400	
Total, Capital Equipment	165.967	158.127	158.127	163.127	163.177	5.050
Adjustments						
Savannah River Pension Refund		-400.000	-400.000	-400.000	-400.000	
Non-Proliferation Activities			20.000			
Education Programs	49.900	22.400	22.400	22.400	22.400	
Anticipated Savings		-27.082	-27.082	-97.082	-45.000	-17.918
Departmental Administration		-2.341		-2.341		2.341
Use of prior year balances			-4.000		-31.082	-31.082
Total, Adjustments	49.900	-407.023	-388.682	-477.023	-453.682	-46.659
Total, Materials Production & Other Defense Programs	3,148.400	2,687.020	2,559.361	2,487.510	2,554.301	-132.719

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $4.549 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the national security programs of the Department of Energy.

The Senate amendment contained a provision (sec. 3101) that would authorize $4.415 billion.

The conferees recommend $4.502 billion for weapons activities.

New production reactor (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $171.8 million for operating expenses, plant projects, and capital equipment for the new production reactor activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $34.0 million.

The conferees recommend $34.0 million for new production reactor activities.

Environmental restoration and waste management (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $4.7 billion for operating expenses, plant projects, and capital equipment for environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $4.9 billion.

The conferees recommend $4.8 billion for environmental restoration and waste management activities.

Use of funds (sec. 3103(e))

The Senate amendment contained a provision (sec. 3103(e)) that would permit the Secretary of Energy to use $40.0 million to reimburse the cities of Westminster, Broomfield, Thornton, and Northglen in the State of Colorado for the cost of implementing water management programs and provide that such reimbursements are not major federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

The House bill contained no similar provision.

The House recedes.

Defense materials production and other defense programs (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $2.559 billion for operating expenses, plant projects, and capital equipment for materials production and other defense programs.

The Senate amendment contained a provision (sec. 3104) that would authorize $2.487 billion.

The conferees recommend $2.554 billion for defense materials and other defense programs.

Funding uses and limitations (sec. 3105)

The House bill contained a provision (sec. 3105(a)) that would authorize $212.31 million for the inertial confinement fusion program.

The Senate amendment contained a similar provision (sec. 3105(a)) but would authorize $220.3 million for the inertial confinement fusion program.

The conferees agree that $212.31 million shall be available for operating expenses and capital equipment, $7.0 million above the amended budget request. The conferees reaffirm their support for the findings and recommendations of the 1990 report on the inertial confinement fusion program by the National Academy of Sciences. The authorized funding of $212.31 million for the program would provide $181.3 million for operating expenses and $31.01 million for capital equipment. The conferees believe that this amount is sufficient to implement the Academy's recommendations.

This funding would provide $37.9 million for the OMEGA laser and $8.0 million to complete a conceptual design for the upgrade of the NOVA Laser. In directing the Energy Department to proceed with a conceptual design for the NOVA upgrade, the conferees are not making a commitment to the NOVA upgrade. Completion of the conceptual design will provide a greater degree of understanding about the cost, complexity, and timing of the proposed upgrade. An upgrade is conditioned on a number of events, not the least of which is the achievement of the relevant milestones set out in the National Academy's report. Authorization of funds to prepare a conceptual design for the NOVA is not authorization to begin construction.

Funding uses and limitations—fire protection and cooling or refrigeration systems (sec. 3105(b))

The Senate amendment contained a provision (sec. 3105(b)) that would prohibit the Department of Energy from using the funds made available for fiscal year 1993 for the design or acquisition of chlorofluorocarbon (CFC)-based systems for fire protection, cooling, or refrigeration uses if a CFC-free system that meets programmatic requirements is commercially available.

The House bill contained no similar provision.

The House recedes with an amendment that would require a CFC-free system to be cost-effective based on the comparative lifecycle costs of such a system.

Funding uses and limitations—reconfiguration of non-nuclear activities (sec. 3105 (c))

The House bill contained a provision (sec. 3105(c)) that would prohibit the obligation of funds to implement non-nuclear consolidation until 90 days after the Secretary of Energy submits a report to Congress that demonstrates the planned non-nuclear reconfiguration is cost-effective, taking into account all relevant factors, under a discounted cash flow analysis of the costs and benefits of the planned action.

The Senate amendment contained a similar provision (sec. 3105(c)).

The House recedes with an amendment that would direct the Secretary to certify that the non-nuclear reconfiguration, as it pertains to components that had been previously produced in a contractor-owned, contractor-operated facility, and that are proposed to be produced in a government-owned, contractor-operated facility, is cost-effective on a component by component basis.

The conferees are concerned that any non-nuclear consolidation activities be demonstrated to be cost-effective. Recently announced reductions in the nuclear stockpile, made in conjunction with deferral of decisions on the new production reactor program, suggest that further consideration and analysis of non-nuclear consolidation are necessary.

Funding uses and limitations—new production reactor (sec. 3105(d))

The Senate amendment contained a provision (sec. 3105(d)) that would prohibit the Secretary of Energy from terminating contracts on the new production reactor (NPR) program until 30 days after he had submitted a plan to Congress that would address: (1) the possibility of continuing the NPR work with a new goal of a reactor to consume plutonium, produce electricity, and produce tritium when needed; and (2) the technical risks of accelerator production of tritium.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would authorize $136.028 million to close out the NPR program; $30.0 million to evaluate an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of producing electric power, producing tritium if needed, and disposing of plutonium from dismantled nuclear weapons; and $18.0 million for research on accelerator production of tritium.

The conferees direct that the activities undertaken to close out and terminate the current NPR effort include completion of important test activities now underway, and full documentation of all analytical, engineering, and test activities. The test activities now underway which should be completed include all post-irradiation fuel examination; all tests on steam generator or heat exchanger flow distribution; all tests of fluid dynamic vibration and boiling corrosion; all tests on pump and circulator insulation, oil ingress, seals, and bearings; all high temperature materials tests; all tests of passive containment performance; all tests that materially contribute to the safety of the existing Savannah River reactors.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would establish procedures for emergency planning, design, and construction activities.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would allow, when specified in an appropriation act, amounts appropriated for operating expenses or for plant and capital equipment to be available until expended.

The Senate amendment contained a similar provision (sec. 3128).

The Senate recedes with technical changes.

Department of Energy citizen advisory groups (sec. 3132)

The Senate amendment contained a provision (sec. 3135) that would direct the Secretary of Energy to establish one citizen advisory group for each Department of Energy defense nuclear facility to provide advice on the environmental restoration and waste management activities at the facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Energy to report to Congress on the role of citizen advisory groups in the Department's environmental restoration process.

In its report Complex Cleanup, the congressional Office of Technology Assesment found that the Department of Energy had not developed "an effective process for public involvement in setting priorities and making important decisions." In the committee report (S. Rept. 102-113) on S. 1507, the Senate Armed Services Committee expressed concern about the lack of effective public involvement in the Department of Energy's environmental restoration and waste management program. The committee directed the Department to review the existing groups, and to "consider adopting a more uniform, more comprehensive, and more or-

ganized system of citizen advisory groups." In addition, the committee urged the Department of Energy to improve the public's participation and identify a method to provide citizen advisory groups with funds to hire technical experts and clerical assistance. The Department of Energy failed to conduct this review.

The conferees are concerned that there be effective public participation in Department of Energy environmental restoration and waste management activities and agree that the Department of Energy should undertake a diligent and careful review of the effectiveness of public participation.

In preparing the report, the Secretary of Energy should consider:

(1) identifying ways to draw upon a broad cross-section of individuals, including members of the local community, local and national environmental groups, individuals with relevant technical expertise, and representatives of state interests, and affected Indian tribes;

(2) a careful delineation of the duties that the group would be asked to perform, including review of the Department's environmental compliance; the adequacy of the regulatory oversight; the nature and scope of the various agreements governing the environmental activities at the Department's facilities (including the availability of technologies applicable to the environmental efforts at the facilities); and review of the health-related activities and the health implications of the environmental efforts; and

(3) the advisability of the group providing updates and recommendations on the environmental programs to the Environmental Protection Agency, and the Governors of the affected states.

Nuclear weapons council membership (sec. 3133)

The Senate amendment contained a provision (sec. 3136) that would amend section 179 of title 10, United States Code, to delete the Director of Defense Research and Engineering from membership on the Nuclear Weapons Council and substitute the Under Secretary of Defense for Acquisition. This change in membership of the Council reflects the restructuring and reassignment of research authorities within the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Reports on the development of new production reactor capacity (sec. 3134)

The Senate amendment contained a provision (sec. 3138) that would direct the Secretary of Energy to maintain a new production reactor program office and to report annually on the status of the tritium supply and when new tritium production capability will be needed. The provision also expressed the sense of Congress that the Secretary choose the lowest cost and lowest risk technology for future tritium production capacity.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would eliminate the requirement to maintain a new production reactor office. The conferees believe that the Energy Department should maintain a high level of technical capability so that if new tritium production is necessary the Department will be able to select a technically viable production option and highly qualified contractors to carry out construction and operation of the selected production technology. In testimony before the Senate Armed Services Committee, the Defense Nuclear Facilities Safety Board stated that it is critically important that the Department of Energy maintain, in-house and not utilizing or relying on contractors, technically competent individuals who can monitor the various options, and review and select a viable tritium production option at the appropriate time in the future.

The conferees note that the Secretary is required to carry out a new production reactor program by virtue of the authorization and appropriation of funds for that purpose.

Technology transfer (sec. 3135)

The Senate amendment contained a provision (sec. 3139) that would amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide small businesses that propose cooperative research and development agreements (CRADAs) with government-owned, contractor-operated (GOCO) laboratories accelerated consideration and would, in certain instances, eliminate the existing requirement that CRADAs by approved by a federal agency.

The provision would also direct the Secretary of Energy to establish a program and issue guidelines to facilitate and encourage the transfer of technology, through CRADAs and any other available mechanisms, to small business.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that CRADAs entered into between a private entity and a GOCO laboratory must be approved by the responsible federal agency. The amendment would also remove the requirement to supply information concerning CRADAs to federally funded technology transfer centers. The conferees believe that information on these agreements should, to the extent consistent with the terms of the specific agreements, and taking into consideration issues of a proprietary nature, be made publicly available through a centralized clearinghouse or other centralized information point. It is premature, however, to direct the Secretaries to provide information to centralized information centers prior to formal establishment of such centers.

The provision would also direct the Secretary to establish a program to increase small business participation in cooperative agreements and to issue guidelines implementing the program.

In order to realize the full potential afforded by cooperative agreements, the conferees request that the Secretary establish a funding goal for cooperative agreements for dual-use technology partnerships in each of the next two years. The conferees believe that the Secretary should consider establishing a goal to allocate not less than 10 percent of the funds appropriated to the Department of Energy for research and development for national security programs for such partnerships.

The conferees agree that of the funds authorized to be appropriated for fiscal year 1993, at least the amount of the administration's request, $141.0 million, be available for joint research and development activities, utilizing CRADAs or other appropriate mechanisms. The conferees note, however, that all of the funds authorized to be appropriated for the atomic energy defense activities, except those specifically for the naval nuclear propulsion program, are available for such joint research and development activities, through CRADAs or other arrangements.

Expansion of authority to loan personnel and facilities (sec. 3136)

The Senate amendment contained a provision (sec. 3140) that would extend the Hanford loaned executive program for two years and establish a similar program for two years at the Idaho National Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the extension of the Hanford program to one year only. In addition, the amendment would provide $125,000 for the Hanford program. The Hanford program was originally established in fiscal year 1989 as a two-year program and extended for an additional two years in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). This program was established to help ease the transition at Hanford from production to cleanup. The conferees believe that the program at the Hanford site has successfully served the purpose for which it was established and should not be extended again.

Study of conversion of the Nevada Test Site for use for solar energy production purposes (sec. 3137)

The Senate amendment contained a provision (sec. 3141) that would direct the Secretary of Energy to conduct a study of the conversion, development, and utilization of the Nevada Test Site, Nevada (NTS), as a commercial facility for the development of solar energy research and production technologies.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would expand the scope of the study, beyond solar energy technologies, to include environmental technologies, research and testing, and emergency management and response technologies. In addition, the amendment would require the Secretary to review existing federal solar research activities to prevent any duplication. In conducting the study, the Secretary shall ensure that any potential future uses of the Nevada Test Site be compatible with the NTS primary national security missions, including nuclear weapons testing.

SUBTITLE D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

Findings

The House bill contained a provision (sec. 3141) that would set forth a series of findings on recent events in the United States and Russia pertaining to nuclear weapons reductions and fissile material production.

The Senate amendment contained no similar provision.

The House recedes.

Negotiations (sec. 3151)

The House bill contained a provision (sec. 3142) that would express the sense of Congress that the President and the member states of the Commonwealth of Independent States should:

(1) achieve mutually verifiable agreements for the dismantlement of nuclear weapons and the safeguard and disposal of nuclear material;

(2) seek to have other nuclear capable nations join in any such agreements;

(3) exchange information on fissile material and nuclear weapons stockpiles, fissile material and nuclear weapons production sites and capacity, tritium production facilities, and nuclear weapons dismantlement schedules; and

(4) establish technical working groups to facilitate achievement and implementation

of such agreements among the United States, the member states of the Commonwealth of Independent States, and other nuclear capable nations.

In addition, the provision would require the President to submit a report on progress toward achieving such agreements and would urge the presidents of the member states of the Commonwealth of Independent States to institute and continue a moratorium on fissile materials production contingent on the United States not resuming fissile materials production.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the progress report to be submitted on March 31, 1993.

Authority to release certain restricted data (sec. 3152)

The House bill contained a provision (sec. 3143) that would allow the President to publicly release restricted data regarding the nuclear weapons stockpile if the United States and the member states of the Commonwealth of Independent States reach reciprocal agreements on the release of such data.

The Senate amendment contained no similar provision.

The Senate recedes.

Development and demonstration program (sec. 3153)

The House bill contained a provision (sec. 3144) that would direct the Secretary of Energy to use $10.0 million of funds authorized for national security programs to carry out a program to develop technologies for the verifiable dismantlement of nuclear weapons, to safeguard and dispose of fissile materials, and to monitor a global ban on weapons grade fissile materials production. In addition, the provision would require the Secretary to report on such a program in the budget justification documents accompanying the fiscal year 1994 budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct that the funds for the program be derived from verification and control technology operating funds.

Production of tritium (sec. 3154)

The House bill contained a provision (sec. 3145) that would clarify that nothing in sections 3141 through 3144 affects tritium production.

The Senate amendment contained no similar provision.

The Senate recedes.

Over the course of the past year, a number of significant milestones in reducing the tensions of the Cold War have been achieved:

(1) The United States, which has not produced highly enriched uranium since 1964 or plutonium since 1989, has announced that it will no longer produce either material. Russia continues to operate reactors for the production of plutonium but has stopped all production of highly enriched uranium.

(2) The United States and Russia, on June 17, 1992, announced an agreement to seek reductions in strategic nuclear weapons significantly below the levels required by the START treaty.

(3) On February 12, 1992, the government of Russia proposed a reciprocal exchange of information between all nuclear powers on inventories of nuclear weapons and fissile materials, and on nuclear weapons production, storage, and elimination facilities.

(4) On May 29, 1991, the President called on the nations of the Middle East to implement a verifiable ban on the production of nuclear weapons material in order to control the proliferation of nuclear weapons.

This historic series of events has led to new opportunities to reduce the number of nuclear weapons and fissile materials in the arsenals and stockpiles of the nuclear weapons states. On the other hand the turmoil associated with the dissolution of the former Soviet Union has increased the possibility of a loss of control of nuclear weapons and materials. As a result, the primary focus of U.S. attention in the former Soviet Union should continue to be the vigorous exploration of new initiatives which could be developed with Russia, Ukraine, Belarus, and Kazakhstan to further reduce the dangers of the proliferation of nuclear weapons, nuclear know-how, and nuclear materials.

Although this conference agreement would urge the President to explore the option of mutually verifiable agreements, the conferees do not believe such agreements are necessarily a prerequisite to further progress toward nuclear weapons and fissile materials reductions and controls. The conferees believe that granting Russia equal access and inspection rights to U.S. nuclear weapons and materials production and assembly activities may not be necessary to achieve additional agreements regarding dismantlement of the nuclear weapons of the former Soviet Union and establishment of adequate safeguards and control over fissile materials. The conferees do believe, however, that the United States should explore the possibility that such reciprocity could further nonproliferation objectives.

The conferees do not believe that there is any question concerning the adequacy of U.S. safeguards on nuclear weapons and fissile material. Over the past 30 years, the United States has dismantled more than 50,000 nuclear weapons without the loss of nuclear material. The conferees, therefore, do not see any near-term need to grant Russia access to sensitive U.S. nuclear production, disassembly, and storage facilities, especially in light of the significant progress already made under the existing programs for the demilitarization of the former Soviet Union. The conferees do not preclude the possibility, however, that exchange of such information could achieve non-proliferation goals in the future.

The conferees believe that there is merit in undertaking research and development activities that could be used in the event that the United States and the member states of the Commonwealth of Independent States agree to pursue, in the future, a course of reciprocal agreements concerning nuclear weapons activities or reciprocal access to nuclear weapons dismantlement facilities.

The conferees recognize that development of such technologies could be complicated and expensive. Application of any technology would present a significant challenge at declared sites. Application of new technologies at undeclared sites would present an even greater challenge. Success in either event is far from ensured.

Nevertheless, the conferees agree that an effort authorized at $10.0 million in fiscal year 1993 is appropriate to ensure that the United States is prepared to verify any fissile material control regime in the event such a regime is determined to be in the interest of U.S. national security. These funds should be drawn only from funds authorized for appropriation for verification and control technologies, an account which has been increased significantly above the fiscal year 1992 level.

Any new technologies could be used to pursue mutually verifiable agreements. The conferees believe that the President and the member states of the Commonwealth of Independent States, together with other nations, could work to achieve mutually verifiable agreements on a variety of aspects related to the dismantlement of nuclear weapons, and control, production, and storage of fissile materials and nuclear weapons. Section 3151 would encourage a good faith effort on the part of the presidents of the United States and Russia to move toward mutually verifiable arrangements to monitor and control weapons and weapons-grade material.

The timing, the exact subject matter, and the verification methods employed are obviously within the exclusive discretion of the parties to any such agreements. The conferees believe, however, that efforts in this regard must maintain a delicate balance between possibly conflicting goals of nuclear nonproliferation and the need to protect U.S. security interests. Moreover, the conferees believe that these types of agreements must not interfere with, or in any way delay, treaty negotiations arising out of the June 17, 1992, announcement by Presidents Bush and Yeltsin reducing nuclear weapons stockpiles.

Defense nuclear workforce restructuring plan (secs. 3161)

The House bill contained a series of provisions (secs. 4314, 3161, and 3162) that would address issues of concern to the Department of Energy and the contractor workforce at Department of Energy defense nuclear facilities in the event that there are changes at Department of Energy defense facilities that affect the workforce, and that would establish a medical monitoring program for those workers who have been exposed to levels of radioactive or hazardous material that pose a significant health risk.

The Senate amendment contained a series of similar provisions (secs. 3151–3153).

Section 4314 of the House bill would require the Secretary of Energy to develop a transition plan for each Department of Energy facility to ease the impact of the transition on the workforce and the community.

The Senate recedes with an amendment that would require the Secretary of Energy to prepare a site-specific plan for each Department of Energy defense nuclear facility that experiences a change in the workforce. This change could be brought about because of a change in the mission of a facility or as a result of a decision to downsize or close a facility. The amendment would require the Secretary to submit the transition plan to Congress 90 days after providing notice to the workforce and the community of the change, and that the plans be updated annually.

Section 3161 of the House bill would direct the Secretary to establish a registry and monitoring program to identify, track, and medically monitor employees who have been exposed to radioactive and hazardous materials that present a significant health risk.

The House recedes with an amendment that would direct the Secretaries of the Department of Health and Human Services and the Department of Labor to determine levels of exposure that present significant health risks, pursuant to federal and state occupational, safety, and health standards. In addition, the amendment would ensure that the privacy of relevant medical records is maintained.

Section 3162 of the House bill would provide definitions for terms used in subtitle E.

The Senate recedes with an amendment that would exclude from the coverage of the

subtitle any facility covered by executive order number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program.

Light water target

The statement of the managers (H. Rept. 102–311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) concluded that work on the light-water target should be finished utilizing funds from those authorized to be appropriated for weapons activities and material production. The Department of Energy did not complete the light-water target work at that time. The conferees continue to believe that this program should be completed and could be done with carry-over, prior year funds or funds appropriated pursuant to sections 3101 or 3104 of this act.

Nuclear safeguards and security

The House bill recommended a $15.0 million reduction in operating expenses for nuclear safeguards and security.

The Senate amendment recommended a $10.0 million reduction in the funding for the Office of Security Evaluations.

The conferees recommend a $10.0 million reduction in funding for the Office of Safeguards and Security. The conferees remain concerned that there is overlap and duplication of effort among the Office of Security Evaluations, the Office of Nuclear Safeguards, and the Office of Intelligence. The conferees recommend that the Department of Energy carefully review the interrelationships of these three offices with a goal towards reducing duplication and overlap. In addition, the Department of Energy should ensure that the activities of these three offices do not overlap or duplicate activities of other offices at the Department of Energy or other federal agencies.

Storage of Three Mile Island waste

The amended budget request for Department of Energy national security programs included $4.0 million for the storage of waste from the Three Mile Island civilian nuclear power plant. In addition, the amended budget request for national security programs included $2.7 million for construction of a new storage facility for the fuel. These costs are not appropriate for inclusion in the defense budget and no funds would be authorized for such purposes in this act.

High energetic explosives research program

The conferees recommend that, of the funds authorized to be appropriated pursuant to section 3101 of this act for research and development, $4.0 million be available to establish, in conjunction with the Defense Nuclear Agency, a research, development, and demonstration program to determine the feasibility and desirability of using the underground tunnels at the Nevada Test Site for contained detonation of highly energetic explosives.

When the Department of Energy dismantles a nuclear weapon, conventional high explosive is removed from the weapon. Once removed, the explosive material is not reusable and must be destroyed. The only demonstrated way to dispose of this material is open air detonation and burning. Open air burning, although conducted in conformance with applicable environmental laws and pursuant to permits issued specifically for the purpose, is highly visible and is a cause of concern to the public.

The military Services must also dispose of explosive material through open burning and detonation. As the military Services downsize and retire a variety of weapons, the high explosives, including rocket motors and other pyrophoric and pyrotechnic devices, must be destroyed. The military Services and the Department of Energy will have significantly increased amounts of material that will require destruction over the next several years.

The conferees direct the Secretary of Energy and the Director of the Defense Nuclear Agency to submit a brief update on the progress of this research effort to the Armed Services Committees of the Senate and House of Representatives by April 1, 1993.

Continuous incinerator monitoring

The conferees recommend $400,000 of the funds authorized for technology development be used for the Argonne National Laboratory to continue development of a continuous emission monitor using Fourier transform infrared spectrometry (FTIR), and to demonstrate the technology on an effluent stack at a Department of Energy defense facility, such as the Oak Ridge site in Tennessee.

Hazardous wastes are or will be incinerated or otherwise thermally treated at several sites within the Department's nuclear weapons complex. A need exists at those facilities for continuous monitoring of effluent emissions to ensure regulatory compliance and increase public acceptance of incinerators as a treatment technology for waste streams. At the current time, stack gas from the incinerators is tested annually by trial burns to comply with the Resource Conservation and Recovery Act. During the trial burn, the stack gas is sampled for principal organic hazardous constituents, and the samples are subjected to laboratory analysis.

The conferees understand that if research on FTIR shows promise, the Department will expand this program to include plasma spectrometry for toxic metals.

Accelerator transmutation of waste

The conferees recommend $15.0 million for research on chemical processing and waste stream minimization analyses associated with accelerator transmutation of waste. Funding for this research effort would be provided from defense programs ($5.0 million) for research and analyses on the accelerator, target blanket and associated technologies; and from environmental restoration and waste management ($10.0 million) for chemical processing and mass balance analyses.

Worker training program

Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) authorizes the Secretary of Energy to award grants to organizations for worker training and education. The conferees recommend that $10.0 million of the funds authorized for environmental restoration be used for training and education of persons who are or may be engaged in hazardous substance response or emergency response actions at Department of Energy facilities.

Scholarship and fellowship programs

Section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) requires the Department of Energy to establish and manage a scholarship and fellowship program for full-time students enrolled in fields relevant to the Department of Energy's Office of Environmental Restoration and Waste Management. The purpose of this scholarship and fellowship program is to enable individuals to qualify for environmental positions in the Department of Energy.

The conferees recommend that $1.0 million of the funds authorized for the environmental restoration and waste management account be used for scholarship and fellowship programs. These funds would provide scholarships, in the 1993/1994 school year, for 20 undergraduate students and 20 graduate students in the fields relevant to environmental restoration and waste management.

Hanford health information network

Of the funds authorized in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), $5.0 million was authorized for the States of Washington, Oregon, and Idaho to develop and implement programs for the benefit of persons who may have been exposed to radiation released from the Department of Energy Hanford Site between the years of 1944 and 1972. The States were directed to evaluate and, if feasible, implement a registry and monitoring program for the exposed individuals.

In May 1991, the States submitted their report containing a plan to implement the Hanford health information network program. The plan anticipated that the program would be fully funded over a three-year period beginning in fiscal year 1992. As a result, the funds authorized for 1991 were not needed for the health information network and were used for other purposes. Pursuant to the plan, fiscal year 1992 was the first year in which funding to implement the plan was provided. The conferees recommend that, of the funds authorized for the Department of Energy, $1.75 million be available for fiscal year 1993, the second year of the three-year program.

Environmental and Molecular Sciences Laboratory

The conferees recommend $28.5 million for construction of the Environmental and Molecular Sciences Laboratory. This laboratory was originally proposed as a non-defense activity. According to justification material submitted by the Department of Energy, the primary purpose of this lab is non-defense in nature. The conferees direct the Department of Energy to submit future budget requests for this project in accordance with the longstanding budgetary practice of funding civilian programs from the funding provided for non-defense activities.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduced enrichment research test reactor

The House bill contained a provision (sec. 1072) that would direct the Secretary of Energy to conduct a program to develop high-density, low-enriched uranium fuels to be used as a substitute for high enriched fuel in research reactors.

The Senate amendment contained no similar provision.

The House recedes.

Nuclear weapons testing

The House bill contained a provision (sec. 3132) that would prohibit any Department of Defense or Department of Energy funds from being used to conduct explosive tests of nuclear weapons for one year from the date of enactment of the defense authorization bill.

The Senate bill contained a provision (sec. 1071) that would establish a 9-month moratorium on nuclear weapons testing; allow up to 5-safety related tests per 12-month period, one of which could be to determine the reliability of a nuclear weapon; and allow resumption of testing contingent upon receipt of a report setting forth a schedule for resumption of nuclear testing talks, a plan for achieving a comprehensive test ban by 1996, and a plan to improve the safety of existing weapons. The provision would also prohibit any tests from being conducted after 1996 un-

less a foreign state conducts a nuclear weapons test.

The conferees agree to drop both provisions.

Prohibition on entry into certain contracts for environmental restoration and waste management

The Senate amendment contained a provision (sec. 3132) that would prohibit the Department of Energy from entering into an environmental restoration, response action contract, or other contract for removal, disposal, storage, or treatment of any waste with a person who has been convicted of or who has plead guilty to a criminal violation of certain environmental laws arising from activities at a Department of Energy facility.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that the existing federal debarment procedures are adequate to ensure that a contractor will not participate in a Department of Energy environmental restoration contract when the contractor has been convicted or is otherwise liable for criminal violations of environmental laws arising out of his activities at Department of Energy facilities. As a matter of public policy, the conferees believe that a contractor who, through his criminal activities, contributed to the Department of Energy's environmental and waste management problems, should not participate in any contract, directly or indirectly, to remediate those problems.

Requirement of annual authorization of appropriations for funds for certain Department of Energy national security activities

The Senate amendment contained a provision (sec. 3133) that would prohibit funds from being appropriated, used, obligated, or expended for national security programs at the Department of Energy unless specifically authorized by law.

The House bill contained no similar provision.

The Senate recedes.

Revised offset for payments for injuries believed to arise out of atomic weapons testing program

The Senate amendment contained a provision (sec. 3137) that would amend section 6(c)(B) of the Radiation Exposure Compensation Act to delete the requirement that the offsetting payments must be computed at their present value.

The House bill contained no similar provision.

The Senate recedes.

Funds available for oversight

The Senate amendment contained a provision (sec. 3134) that would make $150,000 available only for the purposes of section 1108(g) of title 31, United States Code.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conferees recommend $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

Nuclear safety in Eastern Europe and the former Soviet Union (sec. 3202)

The House bill contained a provision (sec. 1064) that would direct the President to submit a report on nuclear reactor safety in Eastern Europe and the former Soviet Union, along with a description of measures the administration is taking or plans to take to address this problem.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile (sec. 3302)

The House bill contained a provision (sec. 3301) that would direct the President to dispose of obsolete and excess materials currently contained in the National Defense Stockpile. Included in the disposals would be materials previously authorized for disposal by law valued at approximately $340 million.

The Senate amendment contained a provision (sec. 3301) that would authorize disposal of materials from the National Defense Stockpile that have been determined to be excess to the new stockpile requirements recommended by the Department of Defense. This provision would also prohibit disposal of any materials under the authority of this section until the stockpile manager submits a revised annual materials plan for fiscal year 1993 containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993.

The conferees agree to the disposal of a large number of obsolete and excess materials from the National Defense Stockpile. The disposal authority provided in this section is in addition to any other disposal authority provided in law. The disposal authority provided in this section may not be used until the President submits a revised annual materials plan for fiscal year 1993 to Congress containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993. This revised plan must also contain a certification by the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the U. S. economy, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Stock Piling Act (50 U.S.C. 98h-5(b)).

Requirements of modernization program (secs. 3303-3304)

The House bill contained a provision (sec. 3302) that would require the disposal and acquisition of stockpile materials in such a manner as to avoid undue disruption of the usual markets of producers, processors, and consumers of the materials. Barter arrangements would be authorized for disposal or acquisition of materials. Monies received from the sale of materials would be deposited in the National Defense Stockpile Transaction Fund.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that section 6 of the Stock Piling Act (50 U.S.C. 98e) already requires that disposals of stockpile materials must be carried out in such a manner as to avoid undue disruption of the usual markets of such materials. The conferees recommend a provision (sec. 3303) that would authorize the President to enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile. The conferees also recommend a provision (sec. 3304) that would require all proceeds from the sale of materials under section 3302 to be deposited in the National Defense Stockpile Transaction Fund.

Authorized uses of stockpile funds (sec. 3305)

The Senate amendment contained a provision (sec. 3302) that would authorize the stockpile manager to obligate $100.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the stockpile manager to obligate $66.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

Advisory committee regarding operation and modernization of the stockpile (sec. 3306)

The House bill contained a provision (sec. 3304) that would require the President, not later than December 1, 1992, to appoint an advisory committee composed of government and industry mineral experts to advise the President regarding disposal of stockpile materials.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President shall appoint an advisory committee under Section 10(a) of the Stock Piling Act (50 U.S.C. 98h-1(a)) to make recommendations concerning the operation and modernization of the National Defense Stockpile not later than March 15, 1993.

Special rule for 1993 report on stockpile requirements (sec. 3307)

The Senate amendment contained a provision (sec. 3311) that would require that the quantities of material for the stockpile should be management sufficient to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States."

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that in the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Stock Piling Act (50 U.S.C. 98h-5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, a list of recommendations with respect to stockpile requirements that is based upon and consistent with the planning assumptions and scenarios that support the defense capabilities and programs specified

in the budget request submitted for fiscal years 1994/1995 and the Future Year Defense Program for fiscal years 1994–1999.

Procedures for changing objectives for stockpile quantities established as of the end of fiscal year 1987 (sec. 3311)

The Senate amendment contained a provision (sec. 3312) that would amend section 3 of the Stock Piling Act (50 U.S.C. 98b) to allow changes in stockpile requirements to take place 30 calendar days after notification of Congress rather than requiring authorizing legislation, or, in the case of a change of less than 10 percent, requiring an effective date after the start of the next fiscal year.

The House bill contained no similar provisions.

The House recedes with an amendment that would allow changes in stockpile requirements to take place 30 legislative days after notification of Congress.

Repeal of limitation on excess balance in fund (sec. 3312)

The House bill contained a provision (sec. 3311) that would repeal the limitation in section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et. seq.) that prohibits sales from the stockpile when the balance in the National Defense Stockpile Transaction Fund exceeds $100 million.

The Senate amendment contained a provision (sec. 3313) that would amend section 5 of the Stock Piling Act (50 U.S.C. 98d) to allow changes in the annual materials plan to become effective 30 calendar days after notification of the appropriate committees of Congress rather than 30 days in which either House is not in session. This provision would also eliminate the prohibition on disposals of stockpile materials when the obligated balance in the National Defense Stockpile Transaction Fund is above $100 million.

The Senate recedes.

Authorized purposes for expenditures from the National Defense Stockpile Transaction Fund (sec. 3313)

The Senate amendment contained a provision (sec. 3314) that would amend section 9 of the Stock Piling Act (50 U.S.C. 98h) to authorize Stockpile Transaction Fund monies to be used for maintenance and disposal activities related to the stockpile.

The House bill contained no similar provision.

The House recedes with an amendment that authorize the following additional activities to be carried out with funds from the Stockpile Transaction Fund: maintenance and disposal of stockpile materials; improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials; and disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law. The conferees also agree that funds in the Stockpile Transaction Fund may not be used to pay salaries and expenses of stockpile employees.

Market Impact Committee (sec. 3314)

The Senate amendment contained a provision (sec. 3315) that would codify in statute the current Market Impact Committee to advise the stockpile manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile. This provision would require that the annual materials plan for stockpile acquisitions and disposals, or any revision to such plan, should contain the views of the Market Impact Committee on the effects of each acquisition or disposal provided in the plan. In cases in which the annual materials plan includes an acquisition or disposal of material that is inconsistent with the recommendation of the Committee, the stockpile manager would be required to include in the plan a specific justification for the acquisition or disposal.

The House bill contained no similar provision.

The House recedes with an amendment.

Clarification of the stockpile status of certain materials (sec. 3315)

The conferees agree to a provision that would clarify that all materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the stockpile manager.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on implementation of modernization program

The House bill contained a provision (sec. 3303) that would require the President to submit a report to Congress not later than February 15, 1993 describing the manner in which the disposal program is being implemented.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of stockpile funds to support other defense activities

The House bill contained a provision (sec. 3305) that would authorize during fiscal year 1993, subject to appropriations acts, the transfer of funds not to exceed $612.00 million from the unobligated balance in the National Defense Stockpile Transaction Fund to other defense purposes authorized by law if the President determines that such amount is excess to funding needs of the National Defense Stockpile.

The Senate amendment contained no similar provision.

The House recedes.

Section 306 of this conference agreement would authorize the transfer, to the extent provided in appropriation acts, of $400.0 million from the National Defense Stockpile Transaction Fund to the operation of and maintenance accounts of the Army, Navy, Air Force, and defense agencies.

TITLE XXXIV—CIVIL DEFENSE

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Civil defense (sec. 3401)

The amendment budget request contained $142.6 million for the civil defense program managed by the Federal Emergency Management Agency (FEMA).

The House bill would authorize $132.6 million.

The Senate amendment would authorize $152.6 million.

The conferees agree to authorize $142.6 million for civil defense in fiscal year 1993.

The House report (H. Rept. 102–527) expresses support for the administration's revised civil defense policy, which emphasizes preparing for the consequences of disasters and emergencies, regardless of cause. The House report questions, however, whether the civil defense program should continue to exist in its present form and argues that the civil defense program should be jointly funded by the national security and domestic discretionary budgets. The House report urges the administration to complete its ongoing review of civil defense resources and funding by April 30, 1993.

The Senate report (S. Rept. 102–352) also expresses support for the revised civil defense policy, but doubts that shared funding for civil defense is practical or warranted. The Senate report argues that the civil defense program funded by the defense budget, as a share of total federal, state, and local spending on emergency preparedness and relief, is small and appropriate. The Senate report also would require the administration to complete its ongoing review of civil defense resources and funding by March 1, 1993.

The conferees agree that Congress and the administration should consider fundamental changes in the federal government's organization, management, and funding for emergency response. In light of recent experiences, it seems clear that both state and federal governments must coordinate better to improve their ability to jointly respond more rapidly and decisively to disasters and emergencies. The conferees are concerned that the administrative and organizational structure of FEMA, its position as a small agency without direct cabinet-level representation, and its limited coordinating authorities, make it difficult for FEMA to carry out its mission and to cause government departments to respond immediately. In addition, oversight of FEMA is divided among many committees and subcommittees of Congress.

There appears to be continuing confusion about the procedures for requesting, approving, and funding large-scale federal assistance to the state and local governments. For example, if a state's National Guard units are used for emergency response, the expenses are borne by the state. If those resources are judged inadequate by the federal government and a request for greater assistance is made by the governor of the affected state, the federal government pays most of the expense of providing additional assistance. This concern over resources and liability, however, can lead to an extended assessment and negotiation process, which can cause unnecessary confusion and delays.

There are also potential problems in determining who is in charge of the overall management of emergency response. While there are established procedures and guidelines for managing emergencies, as an emergency response grows in scale from the local to the state and national levels, involving a variety of government departments and National Guard and active military units, determining who is in charge of what aspects of the overall operation during critical initial stages can be a vexing and potentially disastrous problem.

The federal emergency response plan currently assigns only two primary missions (urban search and rescue and public works and engineering) out of a total of twelve to the Department of Defense. Experience demonstrates, however, that, in the critical early stages of major disasters and emergencies, the Department of Defense is the only organization with the manpower, skills, and equipment to provide an adequate response. The Secretary of Defense also has more influence and authority to ensure that decisions are made and implemented rapidly within the federal government. Civil defense, moreover, has always been a national defense mission and therefore funded within the defense function.

The conferees agree that serious consideration should be given to raising the stature of the federal government's emergency management function and enhancing its ability to respond to national emergencies rapidly, including consideration of transferring or associating all or parts of the FEMA mission

and capabilities to or with a major federal department. In cooperation with the state governors, the federal government also should attempt to establish clearer and expedited procedures for the states to seek and gain approval of federal emergency assistance. The question of who pays what expenses for emergency response should not be allowed to inhibit the provision of relief and assistance. Congress and the administration also should review the assignment of emergency response missions and responsibilities to the various executive departments and agencies, or at least make distinctions between initial responses, for which the Department of Defense may be uniquely equipped, and longer-term actions, which logically match the mission of other government departments. Finally, the question of responsibility for on-the-scene operational management of an evolving emergency response should be carefully reexamined to avoid confusion and delay.

The conferees direct the President to evaluate these issues, and include his assessment and recommendations in the report to Congress required by both the Senate and House reports. In developing this report, the President should solicit the views of the National Governors Association and the states' emergency managers.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 3501)

The Senate amendment contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Commission Authorization Act for Fiscal Year 1993."

The House bill contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Act Amendments of 1992."

The House recedes.

Panama Canal authorization act (secs. 3511–3514)

The Senate amendment contained provisions (secs. 3502–3505) that would authorize expenditures from the Panama Canal Revolving Fund for the operation and maintenance of the canal for fiscal year 1993. The provision would also provide for utilization of health care services at Panamanian medical facilities and would authorize a change in vessel tonnage measurement to allow use of alternative measurement systems in general usage throughout the maritime industry. The provisions of the Senate amendment are similar to H.R. 4715, the Panama Canal Commission Authorization Act for Fiscal Year 1993, as reported to the House of Representatives by the Committee on Merchant Marine and Fisheries on August 6, 1992 (H. Rept. 102–790).

The House bill contained no similar provisions.

The House recedes.

Costs of dissolution (sec. 3521)

The House bill contained a provision (sec. 3502) that would require the Panama Canal Commission to conduct a study of the costs associated with the dissolution of the Commission and to submit a report to Congress not later than September 30, 1996. The provision would also require the Commission to establish an office to close out the affairs of the Commission; establish in the Treasury of the United States a fund for the dissolution of the Commission; and provide procedures and rules for the fund. Finally, the provision would make conforming amendments to existing law, including the authority to provide for dissolution costs in establishing tolls.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Recommendations by the President on changes to Panama Canal Commission structure (sec. 3522)

The House bill contained a provision (sec. 3503) that would require the President to develop and submit to Congress a plan setting forth changes to the Panama Canal Commission that would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal at the end of the century. The provision would provide for representatives of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission to participate in the preparation of recommendations to the President for purposes of the plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President to conduct a study of the structure of the Panama Canal Commission and to submit a plan for changes to the Commission only if such changes are warranted by the study.

Report by Comptroller General on changes to Panama Canal Commission structure (sec. 3523)

The House bill contained a provision (sec. 3504) that would require the Comptroller General to submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission with recommendations for such changes to that structure as would enable the Commission to operate more efficiently and thus serve as a model for the Government of Panama after the transfer of the canal at the end of the century. The Comptroller General would seek the views of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission in developing the report.

The Senate amendment contained no similar provision.

The Senate recedes.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Overview

The House bill contained provisions (Division D) that would establish defense conversion, reinvestment, and transition programs concerning defense technology and industrial support, education and training programs, transition information services, planning and technical assistance, and displaced personnel assistance.

The Senate amendment contained provisions that would address defense economic diversion, conversion, and stabilization (subtitle C of title III); DOD civilian personnel transition initiatives (subtitle D of title III); active forces transition enhancements (subtitle D of title V); Guard and reserve transition initiatives (subtitle E of title V); defense conversion policy for the national defense technology and industrial base (subtitle A of title VIII); and defense conversion and transition assistance (subtitle I of title X).

The collapse of the Warsaw Pact and the dissolution of the Soviet Union mark the most fundamental changes in the international security environment this nation has faced since the end of World War II. Shaping the appropriate role for government in addressing the impact of those changes on our economy and national security is one of the most significant challenges facing the President and the Congress through the balance of this decade.

The conferees agree that it is imperative to establish new policies and programs to ensure that the conversion from a Cold War to a post-Cold War economy is structured in a manner that meets our national security needs through the 1990s and into the 21st Century. The conference agreement would provide $1.5 billion for defense conversion, reinvestment, and transition assistance, and establish the statutory framework for the necessary policies and programs.

The details of the conference agreement are set forth in the following description of title XLI through title XLIV.

TITLE XLI—FINDINGS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Findings (sec. 4101)

This section sets forth the findings that underscore the importance of the defense conversion, reinvestment, and transition assistance programs that would be authorized by Division D.

Funding for defense conversion, reinvestment, and transition assistance program

The following chart summarizes the amounts and sources of funding for the defense conversion, reinvestment, and transition assistance programs authorized under Division D.

DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE FUNDING FOR PROGRAMS IN DIVISION D FOR FISCAL YEAR 1993

	$ in millions	Source
Defense Industry & Technology Base Programs:		
Program for analysis of the technology & industrial base	5	R&D
Center for the study of defense economic adjustment	2	R&D
Defense dual-use critical technology partnerships	100	R&D
Commercial-military integration partnerships	50	R&D
Regional technology alliances assistance program	100	R&D
Defense advanced manufacturing technology partnerships	25	R&D
Defense manufacturing extension programs	100	R&D
Defense dual-use assistance extension program	200	R&D
Defense procurement technical assistance program	12	O&M
Defense manufacturing engineering education program	30	R&D
Other defense industry & technology base programs	70	R&D
Subtotal	694	
Community Adjustment and Assistance Programs:		
Office of Economic Adjustment	52	O&M
Economic Development Administration	80	O&M
Subtotal	132	
Personnel Assistance Programs:		
Temporary early retirement authority	254	Personnel
Temporary health transition assistance	76	O&M
Guard & reserve transition initiatives	40	Personnel
Separation pay and civilian health benefits	72	O&M/R&D
Troops to teachers and teacher's aides	65	O&M
DOD environmental scholarship program	10	O&M
Grants to colleges for training in environmental restoration	10	O&M
Job training & employment services	75	O&M
Participation of discharged military personnel in Upward Bound	5	O&M
Job bank program	4	O&M
Servicemembers occupational conversion & training	75	O&M
Subtotal	686	
TOTAL	1,512	

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

SUBTITLE A—PURPOSES AND ESTABLISHMENT OF NEW CHAPTER IN TITLE 10

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Purpose and establishment of new chapter in title 10 (secs. 4201–4202)

The conference agreement would consolidate and streamline the laws governing defense technology and industrial base policies and programs to reflect the challenges of the post-Cold War environment. The current provisions of title 10, United States Code, concerning the defense industrial base (chapter 148), development of dual-use critical technologies (chapter 149), manufacturing technology (chapter 150), and related provisions of law would be repealed and replaced by a new chapter 148 entitled "National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion."

Definitions (sec. 4203)

The conference agreement would set forth in 10 U.S.C. 2491 the definitions applicable to the new chapter 148.

SUBTITLE B—DEFENSE POLICIES AND PLANNING CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Congressional defense policy concerning the national technology and industrial base (sec. 4211)

The conference agreement would establish in 10 U.S.C. 2501 a new congressional policy setting forth defense policy objectives for the national technology and industrial base, policy objectives relating to defense conversion, and a civil-military integration policy for the national technology and industrial base.

National defense technology and industrial base council (sec. 4212)

The conference agreement would establish in 10 U.S.C. 2502 a National Defense Technology and Industrial Base Council to develop the technology and industrial base assessments and policies that are necessary for development of effective national security plans and programs. The Council would be composed of the Secretary of Defense (who shall serve as Chairman), the Secretary of Energy, the Secretary of Commerce, the Secretary of Labor, and such other officials as may be designated by the President. The conferees note that there are numerous agencies with responsibilities that affect the technology base, but believe that, at least in the initial stage, the Council would work best by minimizing the number of participants and expediting the development of guidance and plans.

The purpose of this provision is not to create a new bureaucracy, but to promote better coordination among the agencies that will play the leading roles in managing government technology and industrial base policies during the defense build-down and into the post-Cold War era.

The conferees intend that the Council serve as a vehicle for communication and coordination, not as a separate administrative organization. The conferees intend that the members of the Council should rely on the resources of their respective agencies, and not establish a separate staff for the Council.

The conference agreement also would provide for the National Defense Technology and Industrial Base Council to serve as the Executive Council of the Economic Adjustment Committee, until October 1, 1997. During that period, the Secretary of Defense would chair the Economic Adjustment Committee. This provision is designed to ensure maximum coordination between economic adjustment activities and technology and industrial base programs.

National defense program for analysis of the technology and industrial base (sec. 4213)

The conference agreement would provide in 10 U.S.C. 2503 for the Secretary of Defense, in consultation with the Council, to establish a program to enhance the capability of the Department of Defense to undertake the technology and industrial base assessments and planning required by the new chapter 148 to meet national security objectives. The conference agreement would authorize $5.0 million for this program for fiscal year 1993.

Center for the study of defense economic adjustment (sec. 4214)

The conference agreement would provide in 10 U.S.C. 2504 for the Secretary of Defense, in consultation with the Council, to establish within the National Defense University a defense economic adjustment center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The conference agreement would authorize $2.0 million for this program for fiscal year 1993.

National defense technology and industrial base: periodic defense capability assessments (sec. 4215)

The conference agreement would provide in 10 U.S.C. 2505 for the Council to prepare a comprehensive assessment of the capability of the technology and industrial base to meet national security objectives. The assessment would be prepared on an annual basis through fiscal year 1997, and on a biennial basis thereafter.

National defense technology and industrial base plan and major defense program planning (sec. 4216)

Subsection (a) would provide in 10 U.S.C. 2506 for the Council to prepare a plan to ensure that policies and programs of the Department of Defense, the Department of Energy, and other agencies of the federal government are planned, coordinated, funded, and implemented in a manner designed to attain national security objectives. The plan would be prepared on an annual basis for each fiscal year through 1997, and on a biennial basis thereafter.

Subsection (b) would set forth in 10 U.S.C. 2439 a requirement for consideration of the national technology and industrial base in the development and implementation of acquisition plans for major defense programs. This provision would replace the current version of 10 U.S.C. 2502, which is repealed.

Data collection authority (sec. 4217)

The conference agreement would set forth in 10 U.S.C. 2507 authority to obtain data that will facilitate preparation of the technology and industrial base assessment and plan required by the new chapter 148.

Implementation of requirements for assessment, planning, and analysis (sec. 4218)

Subsection (a) would require the Secretary of Defense to take prompt action, including the establishment of milestones for actions, to ensure that the Department has a program in place to provide for the timely and thorough collection of information, completion of assessments, and issuance of plans required by the new chapter 148.

Subsection (b) would provide that the first annual assessment may be presented in a preliminary form to the extent that necessary information cannot be reasonably collected, analyzed, or presented in a timely fashion. The conferees emphasize that this provision has been included out of recognition that the Department has not established the necessary capability to undertake a comprehensive analysis of the industrial and technology base; it is not to be used as an excuse for delay in developing that capability. In particular, this provision may not be used as a basis for failure to undertake assessments required by existing law or that are readily within the capability of current public and private sector organizations.

Subsection (c) would provide a conforming amendment to reflect current law, which contains a reporting requirement through 1995 on the domestic textile and apparel industrial base.

Implementing regulations concerning the national defense technology and industrial base annual assessment and plan (secs. 4219–4220)

The conference agreement would establish requirements for the content of the initial regulations governing the periodic assessments and plans established under the new chapter 148. In developing these provisions, the conferees have consolidated and streamlined various detailed requirements of permanent law. By applying these requirements to the initial regulations, rather than permanent law, the conference agreement provides the Secretary of Defense and the Council with the flexibility to modify the guidance governing preparation of the periodic assessment and periodic plan to reflect the experience that will be gained over time.

SUBTITLE C—DEFENSE PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense dual-use critical technology partnerships (sec. 4221)

Subsection (a) would recodify in 10 U.S.C. 2511 the current authority for defense dual-use critical technology partnerships (established in current law under 10 U.S.C. 2523). The conferees encourage active participation by the Department of Defense laboratories in the partnership process, and expect the Secretary of Defense to give particular deference to the recommendations of potential private sector participants as to the laboratory or laboratories that would be most appropriate for a particular partnership. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

Subsection (b) would set forth a list of projects for consideration for establishment of partnerships in fiscal year 1993.

Commercial-military integration partnerships (sec. 4222)

The conference agreement would establish in 10 U.S.C. 2512 authority for the Department of Defense to undertake commercial-military integration partnerships. This new program would complement the critical technology partnership program. Although the critical technology partnership program has considerable dual-use potential, the primary focus of the critical technology partnerships is on defense-specific needs, with the potential for long-term government-industry partnerships. The new commercial-military integration partnership program,

however, is intended to minimize the need for long-term government funding by fostering the development of viable commercial technologies that can also meet future national security reconstitution requirements and other needs of the Department of Defense. Because these partnerships will emphasize potential commercial viability, government participation can be of a limited duration, and subject to strict cost-sharing requirements. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

No partnership agreement would be for a period in excess of five years. The government's share could not exceed 50 percent in the first year, and would decline each year thereafter. If the partnership agreement were for five years, by the third year the government's share could not exceed 30 percent. A partnership could be formed with one or more firms.

Regional technology alliances assistance program (sec. 4223)

The conference agreement would recodify in 10 U.S.C. 2513 the authority for regional technology alliance assistance. This program is based upon, and would replace, the provision in current law, 10 U.S.C. 2524, governing critical technology application centers. The new title more clearly describes the role of the program in promoting cooperative efforts on a regional basis that can facilitate dual-use defense needs that meet national security requirements.

Encouragement of technology transfer (sec. 4224)

The conference agreement would set forth in 10 U.S.C. 2514 the policy of encouraging technology transfer from the federal government to the private sector. This provision reflects and revises the matter currently set forth in 10 U.S.C. 2363, which is repealed.

Office of Technology Transition (sec. 4225)

The conference agreement would provide in 10 U.S.C. 2515 for the establishment of an Office of Technology Transition within the Office of the Secretary of Defense. The conferees intend that that this Office will be established using existing resources and will consist of no more than 6–10 officials working under the Director of Defense Research and Engineering, and operating with points of contact throughout the defense research and development community. The purpose of the Office would be to ensure that technology developed for national security purposes is integrated into the private sector in order to further our national defense technology and industrial base objectives. The conferees urge the Secretary of Defense to design the report required under this section in a manner that provides the general public with information on the transition opportunities in the Department of Defense.

Military-civilian integration and technology transfer advisory board (sec. 4226)

The conference agreement would provide in 10 U.S.C. 2516 for the establishment of a Military-Civilian Integration and Technology Transfer Advisory Board. The Board would provide a means for the Secretary of Defense and the Council to obtain the views of a wide variety of private and public sector officials concerning the effective integration of military and civilian capabilities and resources.

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SUBTITLE D—DEFENSE MANUFACTURING TECHNOLOGY, DUAL-USE ASSISTANCE EXTENSION, AND DEFENSE SUPPLIER BASE ENHANCEMENT AND SUPPORT PROGRAMS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

National defense manufacturing technology program (sec. 4231)

The conference agreement would recodify in 10 U.S.C. 2521 the national defense manufacturing program. This provision would revise and replace the manufacturing technology provisions of current law (chapter 150 of title 10, United States Code).

Defense advanced manufacturing technology partnerships (sec. 4232)

The conference agreement would recodify under 10 U.S.C. 2522 the provision of law governing defense advanced manufacturing technology partnerships (currently in 10 U.S.C. 2518).

Defense manufacturing extension programs (sec. 4233)

The conference agreement would recodify in 10 U.S.C. 2523 the provision of law governing defense manufacturing extension programs (currently in 10 U.S.C. 2517).

Defense dual-use assistance extension program (sec. 4234)

The conference agreement would establish in 10 U.S.C. 2524 a defense dual-use assistance extension program. This provision would require the Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, to establish a program to further our national security objectives for the industrial and technology base by providing support to those federal, regional, state, local, non-profit, and private sector programs, including programs involving industry associations, that can assist companies in developing dual-use capabilities.

The types of services provided by programs receiving support under section 2291 could include assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices. In addition, programs receiving support could provide assistance in acquiring and using public and private sector resources, literature, and other information concerning: (1) research, development, and production processes and practices; (2) identification of technologies and products for potential dual-use applications; (3) marketing practices and opportunities; (4) identification of potential suppliers, partners, and subcontractors; (5) identification of government support opportunities, including grants, contracts, partnerships, and consortia; and (6) trade and export assistance, including foreign technology assessment.

The selection criteria for support would include: (1) the extent to which a program advances and enhances our national defense industrial and technology base objectives; (2) the technical excellence of the program; (3) the qualifications of the program's personnel; (4) the likelihood that there would not be timely private sector investment in the program; (5) the potential effectiveness of the program in the conversion of defense-dependent companies to dual-use capability; (6) the ability of the program to assist companies adversely affected by the defense buildown; (7) the extent of financial commitment by non-DOD sources; (8) the degree to which the program would supplement, rather than duplicate, other available services; and (9) the likelihood that within five years the program would not require DOD support.

The program would have strict cost-sharing requirements to ensure that the programs receiving support do not become dependent upon DOD funding. DOD funding would be limited to 50 percent in the first year, and would decline each year to no more than 30 percent by the third year of a program.

Subject to the eligibility and funding requirements under this provision, the Secretary of Defense would have authority to provide support to a variety of programs to the extent that he determines such programs further the national security interests of the Department of Defense, including: (1) regional, state, and local business, industrial, and technology extension programs; (2) business and technology extension services provided by universities, consortia, and other nonprofit entities; (3) private sector cooperative networks and assistance services; (4) Department of Commerce programs, including the advanced technology program, manufacturing technology centers, the state technology extension program, and grants for regional and state industrial services programs; (5) Small Business Development Centers; (6) Small Business Administration programs that provide direct loans to small businesses and government guaranteed loans.

The conferees recommend that not less than $50 million of the funds for this program should be used to support regional state and local government programs, and not less than $75 million of the funds should be used to support programs that assist small businesses, such as the SBA guaranteed loan program under section 7(a)(21) of the Small Business Act, the small business development center program under section 21(c)(3)(G) of the Small Business Act, and assistance to small businesses in obtaining access to scientific and technical expertise under 10 U.S.C. 2524(c)(3).

Defense procurement technical assistance program (sec. 4236)

The conference agreement would revise current law governing the procurement technical assistance program (chapter 142 of title 10, United States Code), to make it clear that centers funded under the procurement technical assistance program may provide technical assistance with respect to contracts with any federal, state, or local government agency, and that such centers may also provide information relating to defense conversion, reinvestment, and transition programs. The conference agreement would provide $12 million for these programs for fiscal year 1993.

Small business innovative research program in the Department of Defense (sec. 4237)

Under the small business innovative research program, federal agencies, including the Department of Defense, set aside 1.25 percent of certain research and development funds for use by small firms. The conference agreement would increase this amount to 1.5 percent for fiscal year 1994, and by .25 percent each year through fiscal year 1998, when it would reach a permanent level of 2.5 percent. The conference agreement would also make a number of clarifications in current law to reflect the post-Cold War environment.

Industrial diversification planning for defense contractors (sec. 4329)

The conference agreement would require the Secretary of Defense to issue regulations and revise policies to incentivize defense contractors to engage in industrial diversification planning.

SUBTITLE E—DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Defense Advanced Research Projects Agency (sec. 4261)

The conference agreement would express the sense of Congress that the Secretary of Defense should revise the charter of the Defense Advanced Research Projects Agency (DARPA). The conferees agree that the Secretary should restore the agency's title to its original destination, the Advanced Research Projects Agency (ARPA), to underscore the role of the agency in fostering integration of the military and civilian technology bases. The conferees also agree that the Secretary should revise the agency's charter to emphasize the agency's role in fostering an integrated national technology base.

Under this provision, ARPA would remain as a defense agency, connected to the needs of the armed forces and subject to the authority, direction, and control of the Secretary of Defense. The agency would continue to undertake research on purely military technologies, as well as dual-use technologies. The conferees agree that if these changes are not made by regulation, legislation to achieve these objectives will be required in the next Congress.

SUBTITLE F—CONFIRMING AMENDMENTS AND FUNDING MATTERS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Conforming amendments (sec. 4271)

This section would make conforming changes to title 10, United States Code, and other applicable provisions of law, to reflect the establishment of the new chapter 148 in title 10.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS

LEGISLATIVE PROVISIONS

LEGISLATION PROVISIONS ADOPTED

The conferees agree to a number of initiatives that would expand the current range of economic adjustment assistance provided by the Office of Economic Adjustment (OEA) of the Department of Defense.

Section 4301 would broaden the applicability of OEA planning assistance grants to state and local government agencies engaged in such programs under selection criteria established by the Secretary of Defense. The section would also broaden the scope of such assistance to include not only planning assistance, but also operational assistance to state and local agencies already conducting defense economic adjustment programs. The conferees recommend authorization of $50.0 million for these purposes.

This section would also provide such assistance to communities that are experiencing a substantial adverse impact from the reduction of defense industrial activity due to mergers, acquisitions, or consolidations in that industry that result from the overall reduction in defense spending. Finally, this section would authorize proactive economic planning assistance to communities that are substantially dependent upon defense or defense industrial activity.

The conferees intend that these expansions to the current, limited program of economic planning assistance that is essentially reactive to the closure of military bases or the substantial loss of defense industrial activity, will encourage greater use of existing state, local, and regional economic planning and development agencies to assist local communities to refocus their economies on non-defense activities, or to design redevelopment strategies for the reuse of surplus properties formerly devoted to defense missions as other productive enterprises.

It is the intention of the conferees that the coordination over the last 27 years between the Office of Economic Adjustment and the Economic Development Administration in planning and implementing assistance to communities should continue. In expanding the scope of the grant program of the Office of Economic Adjustment, the conferees do not intend to replace the assistance available through the Economic Development Administration.

Section 4302 would direct the Secretary of Defense to conduct pilot studies during fiscal year 1993 to permit the detailed analysis of communities' response to a variety of different economic conversion and redevelopment challenges.

Section 4303 would direct the Secretary of Defense to provide to the Congress a report regarding alternatives to the existing priorities for the management and disposal of excess nonlethal supplies and equipment with a view toward providing state agencies a higher priority for receiving civil engineering equipment that could assist in infrastructure improvements and defense conversion capital projects.

Section 4304 would amend chapter 152 of title 10, United States Code, by limiting the use of excess construction or fire equipment from the Department of Defense in foreign assistance and military sales programs to those assets that are not requested by federal agencies other than the Defense Department or state agencies, unless the President determines that the transfer of such equipment under these programs is need to respond to an emergency.

Section 4305 would provide an authorization of $80.0 million for defense conversion activities through the Economic Development Administration.

Section 4306 would direct the Under Secretary of Defense for Acquisition to submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

SUBTITLE A—ACTIVE FORCES TRANSITION ENHANCEMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvement in pre-separation counselling for members of the armed forces (sec. 4401)

The House bill contained a provision (sec. 4402) that would amend section 1142 of title 10, United States Code, to improve the procedure for the pre-separation counselling of separating military members. The House provision would require that such counselling occur at least 90 days before the date of discharge, and require that an individual transition plan be created for the separating member to attempt to achieve the educational, training, employment and other objectives of the member and spouse of the member.

The Senate amendment contained no similar provision.

The Senate recedes.

Temporary authority for new basic pay rate for certain personnel who have 24 or more years of service (sec. 4402)

The Senate amendment contained a provision (sec. 602) that would provide a longevity pay increase for military personnel in the E-7, E-8, E-9, W-4, W-5, and O-6 grades at the 24-year point for basic pay purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Active duty early retirement (sec. 4403)

The Senate amendment contained a provision (sec. 534) that would authorize active duty personnel who have 15 but less than 20 years of service to apply for and be approved for early retirement.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the purpose in providing this authority is to give the Department of Defense a temporary, additional force management tool to effect the reduction in military personnel through fiscal year 1995. The amendment would clarify that the Secretaries of the military departments may prescribe appropriate regulations or policies regarding the criteria for eligibility and approval of applications under this section. These criteria may include, but are not limited to, such factors as grade, skill, and years of service. The amendment would provide that the retired pay of a member who retires under this section would be reduced by one percent for each year of service less than 20 years. Finally, the amendment would provide discretionary authority to the Secretary of Defense to offer this program to individuals in the 15-20 years of service range who had previously taken the voluntary separation incentive (VSI) or special separation benefit (SSB) and who would otherwise have been eligible for this program.

Opportunity for certain persons to enroll in all volunteer force educational assistance program (sec. 4404)

The House bill contained a provision (sec. 641) that would amend title 38, United States Code, and section 1174, of title 10, United States Code, to permit recipients of the special separation benefits (SSB) program and the voluntary separation incentive (VSI) to pay a $1,200 contribution and elect to participate in the Montgomery G.I. Bill, subject to available appropriations.

The Senate amendment contained a similar provision (sec. 536).

The Senate recedes with a technical amendment.

Amendment of special separation benefits (sec. 4405)

The Senate amendment contained a provision (sec. 616) that would make a technical change to section 661 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The provision would authorize personnel who separate with special separation benefits under section 661 to receive the transportation benefits authorized for involuntarily separated personnel by section 503 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). This provision would correct an inadvertent omission.

The House bill contained no similar provision.

The House recedes with an amendment that would include the personnel who separate with the voluntary separation incentive under section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) and also would incorporate section 652(c) of the House bill.

Calculation of VSI payment (sec. 4406)

The House bill contained a provision (sec. 652) that would make three changes in the

voluntary separation incentive (VSI) program established by section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). First, subsection (a) would repeal the VSI program requirement that any active or reserve pay be fully offset against current VSI payments, and instead permit the individual to elect a partial or full offset in order to reduce the amount of future recoupment should that individual subsequently qualify for military retired pay. Second, subsection (b) would repeal the VSI provision disallowing any credit under the civil service retirement system for those years of military service countable for determining VSI payments. Third, subsection (c) would make VSI recipients eligible for the involuntary separation benefits package provided under chapter 58 of title 10, United States Code, to the same extent as recipients of the special separation benefit.

The Senate amendment contained a similar, more limited provision (sec. 537) that would exempt from recoupment reserve drill pay received by individuals who receive voluntary separation incentive (VSI) payments.

The Senate recedes with an amendment that would accept subsections (a) and (b) and incorporate subsection (c) of the House bill into section 4405.

Improved conversion health policies as part of transitional medical care (sec. 4407)

The House bill contained a provision (sec. 631) that would extend the term of conversion health policies from 12 to 18 months in order to comply with the minimum requirement imposed on private sector employers by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Continued health coverage for members and dependents upon separation (sec. 4408)

The House bill contained a provision (sec. 4606) that would require the Secretary of Defense and the Director of the Office of Personnel Management to jointly establish a program for continued health benefits coverage under the federal employees health benefit (FEHB) program as prescribed by section 8905a of title 5, United States Code, for former service members and their dependents who are no longer eligible for health care in the military health care delivery system. Like the FEHB program and the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the covered former service member or dependent would be required to pay both the employer's and employee's share of the cost of coverage provided, plus a surcharge to cover administrative costs for the program.

The Senate amendment contained a similar provision (sec. 539).

The Senate recedes with an amendment that would require the Secretary of Defense to implement this program not later than October 1, 1994 through (1) contract with private insurers, (2) revisions to the current CHAMPUS program, (3) agreement with the Director of the Office of Personnel Management, or (4) such other options determined by the Secretary to meet the requirements of this section. The conferees would delay the effective date in order to allow the Secretary ample time to execute contracts or to request any legislative changes the Secretary deems necessary to facilitate program implementation.

SUBTITLE B—GUARD AND RESERVE TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

The Senate amendment contained 12 provisions (secs. 541-552) that would authorize certain transition benefits for National Guardsmen and reservists affected by strength and unit reductions in the Selected Reserve. The conference agreement is summarized below.

Definition of transition period and members affected (secs. 4411 and 4412)

The Senate amendment contained provisions (secs. 541 and 542) that would establish general definitions regarding the transition period and eligible personnel. The provisions would apply to personnel in the Selected Reserve from October 1, 1991 to the end of fiscal year 1995.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the Guard and reserve transition initiatives do not apply to reservists who are in non-pay positions.

Restriction on reserve force reduction (sec. 4413)

The Senate amendment contained a provision (sec. 543) that would prohibit the deactivation of any Selected Reserve unit or the involuntary separation of a Selected Reservist (except for personnel being separated because of adverse personnel actions) during the transition period until the Secretary of Defense has promulgated and submitted to Congress regulations that implement these provisions.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would delete the prohibition on the deactivation of Selected Reserve units. A modified version of this prohibition is contained in another provision elsewhere in this act.

Transition plan requirements (sec. 4414)

The Senate amendment contained a provision (sec. 544) that would require the Department of Defense to prescribe uniform procedures for the recruitment, reassignment, retraining, and separation and retirement of personnel consistent with the needs of the Selected Reserve, and with equal consideration for the fair treatment of personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would ensure that separating active as well as reserve component personnel will be given priority over non-prior service applicants for Selected Reserve positions.

Inapplicability of certain discharges and transfers (sec. 4415)

The Senate amendment contained a provision (sec. 545) that would exclude individuals who are discharged or transferred under certain conditions from the benefits provided under this subtitle.

The House bill contained no similar provision.

The House recedes.

Force reduction period retirements (sec. 4416)

The Senate amendment contained a provision (sec. 546) that would allow Selected Reservists who have 20 years of credit for reserve retirement and who are in a Selected Reserve unit to apply for reassignment from the Selected Reserve to the Retired Reserve in order to draw an immediate, reduced retirement annuity. The reduced retirement annuity under this provision would be paid over a five-year period or up until an individual reaches age 60, whichever is shorter. The annuity would be five percent plus one half of one percent for each full year of service past 20 years that an individual has completed multiplied by the annual basic pay to which the individual would be entitled if on active duty. The percentage multiplier would be capped at 10 percent.

The House bill contained no similar provision.

The House recedes with an amendment. The Amendment would delete a provision in the Senate section that would allow personnel who retire early under this section to be eligible for military health care. The amendment would also provide temporary authority to the Secretaries of the Army and the Air Force to consider reserve officers for eli-'nation from an active status similar to existing authority provided to the Secretary of the Navy under section 6410 of title 10, United States Code.

Retirements with 15 years of service (sec. 4417)

The Senate amendment contained a provision (sec. 547) that would allow Selected Reservists who have at least 15 but less than 20 years of credit for reserve retirement to apply for reassignment from the Selected Reserve to the Retired Reserve. Such personnel would be eligible for reserve retirement pay at age 60 based on the number of years of reserve retirement credit they have accrued.

The House bill contained no similar provision.

The House recedes.

Separation pay (sec. 4418)

The Senate amendment contained a provision (sec. 548) that would authorize the payment of separation pay to Selected Reservists who have six but less than 15 years of service and who are being involuntarily released from the Selected Reserve because their units are being deactivated during the transition period. The separation pay authorized would parallel the separation pay being paid to active personnel who are being separated, and be equal to 15 percent of two months of basic pay multiplied by the number of points accrued for reserve retirement divided by 360.

The House bill contained no similar provision.

The House recedes.

Waiver of continued service requirement for reserve G.I. bill benefits (sec. 4419)

The Senate amendment contained a provision (sec. 549) that would allow Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period of continue to receive reserve G.I. Bill educational assistance.

The House bill contained no similar provision.

The House recedes.

Commissary and exchange privileges (sec. 4420)

The Senate amendment contained a provision (sec. 550) that would authorize Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period to retain their eligibility to use military commissary and exchange shopping facilities for one year following the date they leave the Selected Reserve.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the period of eligibility

for the benefits provided from one to two years.

Applicability and termination of benefits (sec. 4421)

The Senate amendment contained a provision (sec. 552) that would prescribe rules with regard to the applicability and termination of the recommended National Guard and reserve personnel transition benefits.

The House bill contained no similar provision.

The House recedes.

Separation benefits for active Guard and reserve personnel (sec. 4422)

The conferees recommend a provision that would make active Guard and reserve (AGR) personnel eligible for the voluntary separation incentive (VSI) and special separation benefit (SSB) on the same basis as other active duty members.

LEGISLATIVE PROVISION NOT ADOPTED

Service group life insurance for separated reservists

The Senate amendment contained a provision (sec. 551) that would provide for the continued coverage, for one year, of Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period under the service group life insurance program at no cost to the individual.

The House bill contained no similar provision.

The Senate recedes.

SUBTITLE C—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Government-wide list of vacant positions (sec. 4431)

The House bill contained a provision (sec. 4602) that would require the Office of Personnel Management to publish a government-wide list of all vacant positions.

The Senate amendment contained a similar provision (sec. 342) that would require the Office of Personnel Management to publish a list of all vacant positions in the competitive service for an appointment of more than one year. The jobs listed would include all those open to candidates outside the agency, and the information would be provided by means of a toll-free number.

The House recedes with an amendment that would strike the portion of the Senate amendment that would require the establishment of a toll-free telephone number.

Temporary measures to facilitate reemployment of certain displaced federal employees (sec. 4432)

The House bill contained a provision (sec. 4603) that would require federal agencies to give full consideration to qualified displaced Department of Defense employees for up 24 months after the employee has been separated before hiring candidates outside the agency.

The Senate amendment contained a similar provision (sec. 342(b)) that would require full consideration for only 12 months after an employee has been separated.

The Senate recedes.

Reduction-in-force notification requirements (sec. 4433)

The House bill contained a provision (sec. 4601) that would require federal agencies to issue specific written notices to all federal employees and their representatives at least 60 days prior to a reduction-in-force (RIF) action. In addition, federal agencies would be required to notify the state dislocated worker unit and the chief elected local government official whenever a significant number of employees will be separated. The House bill also contained a special rule that would require the Secretary of Defense to provide specific written notices at least 120 days in advance of a reduction-in-force (RIF) action if it involved the separation of a significant number of employees. This special rule would expire on February 1, 1998.

The Senate amendment contained a similar provision (sec. 343) without the special rule.

The Senate recedes.

Restoration of certain leave (sec. 4434)

The Senate amendment contained a provision (sec. 345(b)) that would allow federal civilian employees at military bases scheduled for closure between October 1, 1992, and December 31, 1997, to accumulate unlimited annual leave.

The House bill contained no similar provision.

The House recedes.

Skill training programs in the Department of Defense (sec. 4435)

The Senate amendment contained a provision (sec. 348) that would allow the Secretary of Defense to provide up to one year of training in Department of Defense training facilities to separated civilian employees. This training could be provided from October 1, 1992 through September 30, 1995. The Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management (OPM), would be directed to publish a register of skill training programs provided.

The House bill contained no similar provision.

The House recedes.

Other employee assistance (sec. 4436)

The House bill contained a provision (sec. 4604) that would authorize the Secretary of Defense to establish a program to offer separation bonuses equal to six months base pay to encourage eligible employees to accept regular or early retirement.

The Senate amendment contained a similar provision (sec. 345 (a)) that would allow the Secretary of Defense and the Secretaries of the military departments to offer separation benefits of up to $20,000 to employees who voluntarily resign or are eligible for early retirement.

The Senate recedes with an amendment. The conferees agree to give the Secretary of Defense the authority to offer the separation pay to regular or early retirees as well as to employees who resign voluntarily. The separation pay may be offered to civilian employees in order to avoid or minimize the need for involuntary separations. The separation pay would be equal to the amount an employee would receive as if eligible under the severance pay formula or $25,000, whichever is less. The Secretary of Defense shall prescribe regulations to carry out this program. The conferees recognize that the individual military services may have different priorities and needs in managing their respective civilian personnel reductions. The conferees believe that the regulations issued by the Secretary of Defense should recognize and accommodate the needs of the individual military Services.

Thrift savings plan benefits for federal employees separated by a reduction-in-force (sec. 4437)

The Senate amendment contained a provision (sec. 347) that would treat federal employees who are involuntarily separated due to a reduction-in-force as if entitled to immediate retirement benefits for thrift savings plan (TSP) purposes. This provision would make it possible for such separated employees to elect to withdraw their TSP accounts in lump sum payments or elect to leave their money in the plan.

The House bill contained no similar provision.

The House recedes.

Continued health benefits (sec. 4438)

The House bill contained a provision (sec. 4605) that would allow involuntarily separated Department of Defense civilian employees to elect to continue health benefits coverage for up to 18 months following separation under the federal employees health benefits program (FEHBP), and require DOD to continue to pay the employer of the FEHBP premiums. The employee would be responsible for the employee share of the premiums plus a surcharge equal to ten percent of the total premium.

The Senate amendment contained a similar provision (sec. 346) but did not require the employee to pay a surcharge.

The House recedes.

SUBTITLE D—DEFENSE EFFORTS TO RELIEVE SHORTAGES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND TEACHER'S AIDES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Teacher and teacher aide placement program for separated members of the armed forces (sec. 4441)

The House bill contained a provision (sec. 4301) that would establish a program to assist eligible servicemembers in becoming teachers and teacher's aides upon separation from the military Services. Servicemembers with at least six years of service who are separated during the period of the defense drawdown and who met certain educational requirements would be eligible to apply to participate in the program. Upon selection by the Secretary of Defense, these persons would be required to agree to obtain necessary state credentials in order to become a teacher or teacher's aide and to accept employment in those vocations for at least two years. Concomitantly, the Secretary of Defense would pay program participants up to a $5,000 stipend to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to a local educational agency the lesser of $50,000 or two years' basic salary of each individual employed by the local educational agency. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to: (1) Implement these programs on a discretionary basis; and (2) establish the amount of the stipend and subsidy to local agencies as ceilings. The conferees believe it is essential that the Secretary of Defense enter into a formal agreement with the Secretary of Education to ensure that the programs prescribed in this section are carefully developed and implemented.

With regard to military personnel, the amendment would also require the Secretary

of Defense to make available to individuals undergoing pre-separation counseling information concerning states that have alternative certification and licensure requirements and to identify local educational agencies with a shortage of qualified teachers or teacher's aides. The requirement derives from section 532 of the Senate amendment, from which the Senate recedes as part of the conference agreement. The amendment would further provide that servicemembers who receive one of the currently available separation incentive pays, bonuses or early retirement would be ineligible to receive the certification stipend.

Teacher and teacher's aides placement program for terminated defense employees (sec. 4442)

The House bill contained a provision (sec. 4302) that would establish a program to assist civilian employees of the Department of Defense and Department of Energy in becoming teachers and teacher's aides upon termination of employment as a result of reductions in defense spending or the closure or realignment of military installations. Individuals meeting certain educational requirements would be eligible to apply to participate in the program and, upon acceptance, would be required to obtain necessary state credentials and to accept employment in those vocations for at least two years. The Secretary of Defense would pay program participants a stipend of up to $5,000 to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to local educational agencies the lesser of $50,000 or two years' basic salary. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to implement these programs on a discretionary basis and would establish the amount of the stipend and subsidies specified in the House provision as ceilings.

Teacher and teacher's aide placement program for displaced scientists and engineers of defense contractors (sec. 4443)

The House bill contained a provision (sec. 4303) that would establish a program to assist eligible scientists and engineers employed by defense contractors or subcontractors in becoming teachers or teacher's aides. Under this program, defense contractors or subcontractors who are forced to terminate, layoff, or retire company scientists or engineers because of defense spending reductions would apply to enter into cooperative agreements with the Secretary of Defense. Under these agreements, the contractor or subcontractor would agree to contribute $2,500 toward the cost of a $5,000 stipend to be paid to eligible scientists or engineers to help defray the cost of obtaining necessary state teacher or teacher's aide certifications. Individuals receiving these stipends would be required to obtain certification and to work as teachers or teacher's aides for at least two years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Funding for fiscal year 1993 (sec. 4444)

The House bill contained a provision (sec. 4304) that would provide that, of the amount appropriated for defense reinvestment programs for fiscal year 1993, 18 percent of such amount would be available for the teacher and teacher's aide programs established in sections 4301, 4302, and 4303 of the House bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the amount made available to fund the teacher and teacher's aide provisions to $65 million.

SUBTITLE E—ENVIRONMENTAL EDUCATION AND RETRAINING PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Environmental scholarship and fellowship for the Department of Defense (sec. 4451)

The House bill contained a provision (sec. 4311) that would require the Secretary of Defense to establish and manage a scholarship program for full-time students who are enrolled in, or who have been accepted for enrollment in fields of study relevant to the Department of Defense environmental restoration or other environmental programs for the purpose of enabling individuals to qualify for environmental restoration and environmental compliance positions in the Department.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the preference in selection for participation in the program to current and former employees of the Department of Defense, its contractors and subcontractors engaged in defense related work, and individuals who have been members of the armed forces.

Grants to institutions of higher education to provide training in environmental restoration and hazardous waste management (sec. 4452)

The House bill contained a provision (sec. 4312) that would allow the Secretary of Defense to establish a program to assist institutions of higher education to provide education and training in environmental restoration and hazardous waste management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that institutions participating in the program would be chosen by the Secretary of Defense as a result of a merit-based selection process.

LEGISLATIVE PROVISION NOT ADOPTED

Environmental cleanup training demonstration grant program

The House bill contained a provision (sec. 4313) that would allow the Secretary of Defense to make grants to carry out demonstration projects to train employees for environmental cleanup activities at military installations.

The Senate amendment contained no similar provision.

The House recedes.

SUBTITLE F—JOB TRAINING AND EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improved coordination of job training and placement programs for members of the armed forces (sec. 4461)

The House bill contained a provision (sec. 4403) that would require the Secretary of Defense to consult with the Secretaries of Labor, Education, and Veterans' Affairs, and the Economic Adjustment Committee to improve the coordination of job training and placement programs available to members of the armed forces who are discharged or released from active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Active force personnel transition enhancements (sec. 4462)

The Senate amendment contained a provision (sec. 531) that would require the Secretary of Defense, in consultation with other appropriate Cabinet Secretaries, to implement a program to encourage and assist separating or retiring military personnel to enter public or community service jobs. This program would include the establishment of a registry of critical job vacancies, such as in education, law enforcement, and health care that are underserved, and a registry of personnel interested in pursuing such work.

The House bill contained no similar provision.

The House recedes.

Educational leave of absence (sec. 4463)

The Senate amendment contained a provision (sec. 533) that would authorize active duty personnel who do not have readily transferable skills, such as personnel in the combat arms, to apply for up to one year of educational leave of absence to obtain civilian skill training.

The House bill contained no similar provision.

The House recedes.

Retirement credit for critical underserved jobs (sec. 4464)

The Senate amendment contained a provision (sec. 535) that would authorize active duty personnel who are approved for early retirement to accrue additional military retirement credit if they take critical, underserved jobs, such as in education, law enforcement, and health care. The Secretary of Defense would be required to prescribe regulations to carry out this program in coordination with the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and other departments and agencies as appropriate.

The House bill contained no similar provision.

The House recedes.

Training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4465)

The House bill contained a provision (sec. 4321) that would expand title III of the Job Training Partnership Act (JTPA) to provide reemployment and training programs specifically designed to meet the needs of individuals who are displaced by the drawdown in defense activity by the government and industry.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Labor, in consultation with the Secretary of Defense, to provide financial assistance for job training and transition assistance for individuals directly affected by the defense drawdown. In addition, by providing authority to reimburse states for their expenditure of rapid response funds in support of the defense conversion, the amendment would encourage states to move quickly to provide job transition assistance when communities and individuals are adversely affected by reductions in defense activity, both governmental and within industry. The conferees

would authorize $75.0 million for these purposes.

Participation of discharged military personnel in upward bound projects to prepare for college (sec. 4466)

The House bill contained a provision (sec. 4323) that would authorize the Secretary of Defense to carry out a program to assist eligible members of the armed forces in an upward bound project to prepare for college.

The Senate amendment contained no similar provision.

The Senate recedes.

Improvements to employment and training assistance for dislocated workers under the Job Training Partnership Act (sec. 4467)

The House bill contained a provision (sec. 4324) that would amend the dislocated worker program of the Job Training Partnership Act by expanding the responsibilities of state dislocated worker units, providing more flexibility for state rapid response assistance to defense conversion reemployment problems, and permitting the transfer of federal property and equipment to job training programs or education programs at no cost.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that state dislocated worker units provide immediate notification to substate grantees of current and projected military installation or defense plant closures or substantial layoffs at such plants. It would also require that states provide immediate notification to the Secretary of Defense of a cost breakdown of funds made available in response to these worker dislocations. It would increase the oversight of the Secretary of Labor over state rapid response assistance services, expand the definition of "substantial layoff", and provide clarification of definitions of eligible dislocated workers for certain services.

Job Bank program for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4468)

The House bill contained a provision (sec. 4325) that would authorize the Secretary of Defense to establish a program to expand the services and access to the Interstate Job Bank of the United States Employment Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to provide expanded access to the Interstate Job Bank to maximize reemployment opportunities for military and civilian workers displaced by the defense drawdown and authorize $4.0 million for that purpose.

Extension of appropriations for assistance (sec. 4469)

The Senate amendment contained a provision (sec. 538) that would extend through fiscal year 1995 the authority for appropriations for certain employment, job training, and other assistance provided by section 502 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). Current authority expires at the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

Defense contractor requirement to list suitable employment openings with local employment service office (sec. 4470)

The House bill contained a provision (sec. 4404) that would require defense contractors to list suitable employment openings with local employment service offices.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Notice requirements upon proposed and actual termination or substantial reduction in defense programs (sec. 4471)

The House bill contained a provision (sec. 4405) that would create a structure for employees of defense contractors to become eligible for JTPA services following the cancellation or substantial reduction of a defense contract.

The Senate amendment contained a related provision (sec. 335) that would provide for constructive notice to employees of defense contractors affected by substantial reductions or cancellations of defense contracts. This notice would be for the purpose of establishing eligibility for certain services under section 314 of title III.

The House recedes.

Study to determine the dislocation effects of current and future reductions in spending for the national defense (sec. 4472)

The conferees recommend a provision that would require the Secretary of Defense and the Secretary of Labor to conduct a joint study to assess worker dislocation resulting from current and future defense spending reductions. The provision would require a report to Congress containing projections on the nature and extent of economic dislocation for servicemembers, Department of Defense civilian employees, and private sector defense industry workers.

Treatment of certain provisions of law upon budget determination by the Secretary of Defense (sec. 4473)

The conferees recommend a provision that would provide for the repeal of sections 4465 and 4468 of this title if, not later than April 30, 1993, the Secretary of Defense reallocates the funds from such programs.

SUBTITLE G—SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 4481)

The House bill contained a provision (sec. 4351) that would cite this program as the "Service Members Occupational Conversion and Training Act of 1992."

The Senate amendment contained no similar provision.

The Senate recedes.

Findings and Purposes (sec. 4482)

The House bill contained a provision (sec. 4352) that would: (1) make certain congressional findings as to the need for a servicemembers' conversion and training program; and (2) declare that the purpose of this program is to provide additional means by which the Secretary of Defense can manage the drawdown of the armed forces and to provide additional forms of assistance to servicemembers who are forced or induced to leave the military, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

The Senate amendment contained no similar provision.

The Senate recedes.

Definitions (sec. 4483)

The House bill contained a provision (sec. 4353) that would define: (1) "Secretary," as the Secretary of Defense; and (2) the terms "compensation," "service-connected," "State," and "active military, naval, or air service" as defined in paragraphs (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Establishment of program (sec. 4484)

The House bill contained a provision (sec. 4354) that would direct the Secretary to carry out the program of job training in accordance with this bill not later than 60 days after the date of enactment. The Secretary would be authorized to enter into an agreement with the Secretaries of Veterans Affairs and Labor for the implementation of this program. The implementing official would be permitted to enter into agreement with state approving agencies (SAAs) to carry out any aspect of this bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that: (1) the Secretary may enter into an agreement with either the Secretary of Veterans Affairs, the Secretary of Labor, or both; and (2) the implementing official may enter into agreements with SAAs or other state agencies to assist in the implementation of this program.

Eligibility for program (sec. 4485)

The House bill contained a provision (sec. 4355) that would establish the eligibility requirements for participation in a job training program as follows. An individual must: (1) be unemployed at the time of applying to participate in the program; (2) either (a) be unemployed for at least 10 of 15 weeks prior to application for the program (not taking into account periods of temporary or intermittent employment), (b) have specialized in an occupational skill that is not readily transferable to the civilian workforce (as determined by the Secretary), or (c) have a service-connected disability rated at 30 percent or more; (3) have served in active military service for more than 90 days; and (4) be discharged on or after August 2, 1990.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require participants to be unemployed for 8 of 15 weeks prior to application; and (2) provide participants the opportunity to appeal a denial of certification.

Period of training (sec. 4485(d))

The House bill contained a provision (sec. 4356) that would require a job training program to provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills. The implementing official may approve a program period of at least six months. The House bill also contained a provision (sec. 4355(c)) that would limit the maximum period of training for which assistance may be provided to 15 months.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment: (1) that would provide that the period of training for which assistance may be paid would be not less than 6 months or more than 18 months; and (2) that would modify the characterization of the occupation for which training may be provided so as to permit training in a field of employment providing a reasonable probability of stable, long-term employment.

Approval of employer programs (sec. 4486)

The House bill contained a provision (sec. 4357) that would exclude from a job training

program any position that consists of intermittent employment, includes religious activities, is in any department of the federal government, displaces other employees, or violates certain other conditions outlined in that provision. An employer offering a job training program would be required to certify that, upon a participant's completion of job training, the employer will employ the participant in the position for which he or she was trained and the position will be available on a stable and permanent basis. The wages and benefits to be paid to the participant would be commensurate to those normally paid to other trainees. Apprenticeship programs or other on-the-job training programs (as outlined in section 3687 of title 38, United States Code) would be approved under this bill.

The Senate amendment contained no similar provision.

The Senate recedes.

Payments to employers (sec. 4487)

The House bill contained a provision (sec. 4358) that would provide for the implementing official to make certain payments to employers. The amount payable to an employer on behalf of a training participant would be 50 percent of the starting hourly wage times the number of hours worked except that payments would not exceed $12,000 for participation with service-connected disabilities rated at 30 percent or $10,000 for all other participants. Payments would be made to employers as follows: one-third of the total payment would be made upon completion of half of the training program, one-third upon completion of the program, and one-third six months after completion of the program. Overpayments to an employer would constitute liability to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide: (1) that payments would be made to employers on a quarterly or monthly basis except that 25 percent of each payment to which the employer is entitled would be held back to be paid four months after completion of the training program; and (2) that, as an additional payment, the employer would be reimbursed up to $500 for the cost of a participant's tools and other work-related materials upon certification to the implementing official that the materials were necessary for participation in the job training program, the materials were paid for by the participant, and the participant had been reimbursed by the employer.

Entry into program of job training (sec. 4488)

The House bill contained provisions (sec. 4359 and sec. 4355(b)(3)(A)) that would allow the implementing official to withhold or deny approval of a training program because of a lack of funds. Participants would be: (1) permitted to begin their training program no sooner than 14 days after the employer notifies the implementing official of the employer's intention to employ the participant; and (2) required either to begin training, or to renew their applications, no later than 180 days after receiving a certificate of eligibility.

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of training through educational institutions (sec. 4489)

The House bill contained a provision (sec. 4360) that would allow an employer to enter into an agreement with an educational institution that has been approved under chapter 106 of title 10, United States Code, to provide training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Discontinuation of approval of participation in certain employer programs (sec. 4490)

The House bill contained a provision (sec. 4361) that would allow the implementing official to discontinue a previously approved training program if it fails to meet any of the requirements outlined in the bill. The employer would have the opportunity to appeal the disapproval. If the implementing official found that the completion rate of a training program was disproportionately low due to deficiencies in the program, the implementing official would be authorized to disapprove further participation in the program pending the completion of adequate remedial action to improve the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Inspection of records; investigations (sec. 4491)

The House bill contained a provision (sec. 4362) that would require the records and accounts of employers pertaining to veterans training under this program to be reasonably available for examination by the implementing official. The implementing official would be able to inspect the premises of a job training program and question employees to ensure compliance with the requirements established under this program. Inspections and investigations may be administered under an agreement between the Secretaries of Defense and Labor.

The Senate amendment contained no similar provision.

The Senate recedes.

Coordination with other programs (sec. 4492)

The House bill contained a provision (sec. 4363) that would prohibit payment to an employer who is receiving payments for job training programs under chapter 30, 31, 32, 35, or 36 of title 38, United States Code; chapter 106 of title 10, United States Code; the Job Training Partnership Act; or under section 51 of the Internal Revenue Code of 1986. Assistance would not be permitted to be paid on behalf of an individual who has completed a job training program under this legislation. The Secretary of Veterans Affairs would be given the responsibility to coordinate and encourage the use of job training under chapter 31 of title 38 in connection with training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Counseling (sec. 4493)

The House bill contained a provision (sec. 4364) that would direct the implementing official to provide, upon request, employment counseling services and to establish a program of cast-management services for veterans who need such services, particularly veterans who withdraw (either voluntarily or involuntarily) from a job training program and apply to participate in another such program. Under the case-management program, a disabled veteran outreach program (DVOP) specialist would be required personally to interview the veteran within 60 days after the beginning of a training program and generally monthly thereafter unless, in certain cases, the implementing official finds that case-management services are not necessary.

The Senate amendment contained no similar provision.

The Senate recedes.

Information and outreach; use of agency resource (sec. 4494)

The House bill contained a provision (sec. 4365) that would require the Secretaries of Defense, Labor, and Veterans Affairs jointly to establish a public information and outreach program to inform servicemembers of the job training programs provided under this measure and other federal training programs. The Secretaries would be required to inform private businesses, appropriate public agencies, institutions of higher education, trade associations, and others of such training programs and to encourage employers to create job training programs.

The Secretaries would be required to coordinate the provision of public information and outreach under this section with the job counseling, placement, and other services under chapters 41 and 42 of title 38, United States Code.

The Secretaries of Defense, Labor, and Veterans Affairs would be required to make available such personnel as are needed to carry out the provisions of this program. Also, the Secretary of Labor would be required, to the maximum extent practicable, to make use of the services of directors and assistant directors for veterans' employment and training, DVOP specialists, local veterans' employment representatives, and the Small Business Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations (sec. 4495)

The House bill contained a provision (sec. 4366) that would authorize to be appropriated to the Department of Defense to carry out the job training program 10 percent of the amount appropriated for fiscal year 1993 for defense reinvestment programs. Amounts would remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated. Three and one-half percent of such amounts would be used for administration.

The Senate Amendment contained no similar provision.

The Senate recedes with an amendment that would increase to six percent the amount available for the costs of administration.

Time periods for application and initiation of training (sec. 4496)

The House bill contained a provision (sec. 4368) that would prohibit assistance to be paid to an employer on behalf of an individual who initially applies for a job training program after September 30, 1995, or for any training program which begins after March 31, 1996.

The Senate Amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Report by Secretary of Defense

The House bill contained a provision (sec. 4367) that would require the Secretary of Defense, not later than two years after enactment, to submit a report assessing the effectiveness of the job training program.

The Senate Amendment contained no similar provision.

The House recedes.

TITLE XLV—BUDGET

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

The conferees agree that the programs authorized in Division D are within the defense category of the discretionary limits for fiscal year 1993 for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. The conferees note that the statutory responsibility for determining whether a pro-

gram is within the defense category has been given to the Director of the Office of Management and Budget under the Budget Act. The conference agreement contains a provision that would provide for the reallocation of funds within Division D in the event that the Director of OMB determines that specified programs are not within the defense category for fiscal year 1993.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LES ASPIN,
CHARLES E. BENNETT,
G.V. MONTGOMERY,
PAT SCHROEDER,
BEV BYRON,
NICHOLAS MAVROULES,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
THOMAS M. FOGLIETTA,
DENNIS M. HERTEL,
MARILYN LLOYD,
NORMAN SISISKY,
RICHARD RAY,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
GEORGE (BUDDY) DARDEN,
OWEN PICKETT,
MARTIN H. LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
MICHAEL R. MCNULTY
GLEN BROWDER,
WILLIAM. L. DICKINSON,
FLOYD SPENCE,
LARRY J. HOPKINS
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
BOB DAVIS,
DUNCAN HUNTER
(except for Secs. 232 and 234 related to SDI),
DAVID O'B. MARTIN,
JOHN R. KASICH,
HERBERT H. BATEMAN,
BEN BLAZ,
ANDY IRELAND,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
ROBERT K. DORNAN
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

BARBARA B. KENNELLY,
DAN GLICKMAN,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

THOMAS CARPER,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
BRUCE F. VENTO,
PUAL E. KANJORSKI,
THOMAS RIDGE,
BILL PAXTON,
MEL HANCOCK,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

WILLLIAM D. FORD,
PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
PHIL SHARP,
CARDISS COLLINS,
DENNIS E. ECKART,
NORMAN F. LENT,
DON RITTER,
CARLOS J. MOORHEAD,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and section 824 and 838 of the Senate amendment:

J. ALEX MCMILLAN,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
ROBERT J. LAGOMARSINO,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

SAM GEJDENSON,
ROBERT TORRICELLI,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
EDOLPHUS TOWNS,
RAY THORNTON,
COLLIN C. PETERSON,
FRANK HORTON,
BILL CLINGER,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
DON EDWARDS,
JOHN CONYERS, Jr.,
HENRY J. HYDE,
HOWARD COBLE,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HOWARD L. BERMAN,
BILL MCCOLLUM,
LAMAR SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
CHARLES E. SCHUMER,
WILLIAM J. HUGHES,
F. JAMES SENSENBRENNER, Jr.,
STEVEN SCHIFF,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
CARROLL HUBBARD,
WILLIAM F. HUGHES,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
DON YOUNG,
JACK FIELDS,
NORMAN F. LENT,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
MARY ROSE OAKAR,
GERRY SIKORSKI,
GARY ACKERMAN,
PAUL E. KANJORSKI,
BENJAMIN A. GILMAN,
FRANK HORTON,
JOHN T. MYERS,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
NORMAN Y. MINETA,
HENRY J. NOWAK,
JOE KOLTER,
JIMMY HAYES,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed:

HELEN DELICH BENTLEY,
TOM PETRI,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
NORMAN Y. MINETA,
JOAN KELLY HORN,
JIM BACCHUS,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

TIMOTHY J. PENNY,
DOUGLAS APPLEGATE,
CHRISTOPHER H. SMITH,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
THOMAS J. DOWNEY,
DONALD J. PEASE,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
AL GORE,
TIMOTHY WIRTH,
RICHARD SHELBY,
ROBERT BYRD,
JOHN WARNER,
STROM THURMOND,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
CONNIE MACK,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5677

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–974)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 9, 10, 39, 41, 42, 44, 47, 48, 50, 64, 74, 81, 86, 91, 94, 98, 104, 106, 107, 113, 120, 121, 122, 123, 128, 129, 140, 158, 166, 182, 183, 190, 196, 199, 206, 208, 223, 225, 235, 240, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 13, 19, 22, 26, 29, 30, 38, 46, 66, 67, 72, 76, 82, 83, 93, 99, 101, 102, 105, 108, 109, 110, 111, 118, 119, 124, 127, 141, 150, 151, 153, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 172, 174, 175, 177, 178, 179, 180, 181, 186, 187, 188, 189, 192, 193, 194, 209, 210, 211, 212, 226, 227, 228, 229, 230, 231, 232, 233, 234, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,803,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$78,934,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,144,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 15:

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

In lieu of the sum proposed by said amendment insert: *$306,700,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$86,506,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,747,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,729,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$795,771,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$27,570,000*; and the Senate agree to the same.

Amendment numbered 27:

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

In lieu of the sum proposed by said amendment insert: *$234,332,000*; and the Senate agree to the same.

Amendment numbered 28:

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

In lieu of the sum proposed by said amendment insert: *$290,895,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$277,210,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 33:

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

In lieu of the sum proposed by said amendment insert: *$143,976,000*; and the Senate agree to the same.

Amendment numbered 34:

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

In lieu of the sum proposed by said amendment insert: *$183,742,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$47,780,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,601,625,000*; and the Senate agree to the same.

Amendment numbered 43:

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

In lieu of the sum proposed by said amendment insert: *$340,000,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,007,483,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$178,711,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $590,436,000.

And the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$606,600,000*; and the Senate agree to the same.

Amendment numbered 56:

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

In lieu of the sum proposed by said amendment insert: *$839,804,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$404,468,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$156,342,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$315,251,000*; and the Senate agree to the same.

Amendment numbered 61:

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

In lieu of the sum proposed by said amendment insert: *$20,002,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$57,444,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$384,576,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$444,451,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,601,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,850,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$900,000,000*; and the Senate agree to the same.

Amendment numbered 97:

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

In lieu of the sum proposed by said amendment insert: *$3,693,483,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$845,964,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,763,950,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,733,631,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,493,875,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$681,450,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$571,654,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,000,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,600,000*; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,800,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,600,000*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,110,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$227,750,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,989,807,000*; and the Senate agree to the same.

Amendment numbered 144:

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

In lieu of the sum proposed by said amendment insert: *$2,069,284,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$328,400,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

in lieu of the sum proposed by said amendment insert: *$215,000,000*; and the Senate agree to same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$2,185,968,000*; and the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with amendment, as follow:

In lieu of the sum proposed by said amendment insert: *$844,690,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *, and $6,435,000, to remain available until expended, shall be for emergency construction needs*; and the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows;

In lieu of the sum proposed by said amendment insert: *$49,300,000*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$28,281,000*; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,381,000*; and the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,700,000*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

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

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,500,000*; and the Senate agree to the same.

Amendment numbered 203:

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$13,700,000*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,684,000*; and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,000,000*; and the Senate agree to the same.

Amendment numbered 207:

The the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,238,000*; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$29,500,000*; and the Senate agree to the same.

Amendment numbered 219:

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$203,152,000*; and the Senate agree to the same.

Amendment numbered 220:

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$295,000,000*; and the Senate agree to the same.

Amendment numbered 221:

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 222:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$896,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 12, 18, 24, 25, 40, 45, 52, 55, 60, 62, 63, 65, 68, 69, 70, 73, 75, 77, 78, 79, 80, 84, 87, 88, 95, 103, 112, 125, 130, 135, 136, 137, 138, 147, 148, 152, 154, 163, 164, 165, 170, 171, 176, 184, 191, 213, 214, 216, 217, 218, 224, 236, 237, 238, and 239.

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
STENY H. HOYER,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
BROCK ADAMS,
KENT CONRAD,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
WARREN RUDMAN,
THAD COCHRAN,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1993, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

Amendment No. 1: Appropriates $76,227,000 as proposed by the Senate instead of $76,952,000 as proposed by the House.

Amendment No. 2: Makes available $55,803,000 from the Unemployment Trust Fund instead of $55,078,000 as proposed by the House and $57,785,000 as proposed by the Senate.

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 3: Deletes technical language proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,066,584,000*

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

The conference agreement includes $4,000,000 to continue the Samoan, Pacific Islander and Asian American employment and training initiative.

Amendment No. 5: Earmarks $78,934,000 for migrants and seasonal farmworkers instead of $78,868,000 as proposed by the House and $81,000,000 as proposed by the Senate.

Amendment No. 6: Earmarks $1,485,000 for the National Commission for Employment Policy as proposed by the House instead of $1,900,000 as proposed by the Senate.

Amendment No. 7: Earmarks $5,400,000 for all activities conducted by and through the National Occupational Information Coordinating Committee as proposed by the Senate. The House bill included no funds for this activity in the Department of Labor; all funds were included in the Department of Education.

Amendment No. 8: Inserts the word "and" as proposed by the House.

Amendment No. 9: Deletes earmark of $750,000 for the Glass Ceiling Commission proposed by the Senate. This is funded under amendment No. 12.

Amendment No. 10: Deletes appropriation of $187,480,000 for summer youth employment for fiscal year 1994 proposed by the Senate. The House bill included no appropriation for fiscal year 1994. The conference agreement includes $676,083,000 for summer youth employment for fiscal year 1993. These funds are included under amendment number 4.

Amendment No. 11: Appropriates $55,144,000 for ongoing Job Corps Capital Costs instead of $60,288,000 as proposed by the House and $50,000,000 as proposed by the Senate. Funds are included to complete the previously approved new centers and to continue special facility projects.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$750,000 is appropriated for the Glass Ceiling Commission authorized by title II of the Civil Rights Act of 1991; and, in addition, $750,000 is appropriated for the National Center for the Workplace authorized by title XV, part A, of Public Law 102-325; and, in addition, $12,638,000*

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

Amendment No. 13: Specifies the construction of four new Job Corps centers as proposed by the Senate instead of two as proposed by the House.

Amendment No. 14: Appropriates $20,000,000 for new Job Corps centers instead of $30,000,000 as proposed by the House and $10,000,000 as proposed by the Senate and deletes language proposed by the House that provided for full funding of new centers. The conferees intend that all new centers shall be selected through a competitive process.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 15: Appropriates $306,700,000 instead of $305,159,000 as proposed by the House and $308,241,000 as proposed by the Senate.

Amendment No. 16: Appropriates $86,506,000 instead of $86,071,000 as proposed by the House and $86,940,000 as proposed by the Senate.

It is the intent of the conferees that the current sponsors continue to build upon their past accomplishments and that the Department of Labor will maintain substantially the existing status, funding allocation and method of operating this program. The conferees do not intend to reduce the current funding levels of those national sponsors who have worked successfully through the years to build this program. The conferees understand that the Department of Labor has been conducting audits of several national sponsors, and the conferees further urge the Department to complete program and financial audits on all national sponsors.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 17: Appropriates $23,747,000 instead of $23,638,000 as proposed by the House and $23,856,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,162,127,000*

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

Amendment No. 19: Deletes the words "and expenditure" proposed by the House.

Amendment Nos. 20-21: Earmark $817,500,000 for Employment Service State grants instead of $813,392,000 as proposed by the House and $821,608,000 as proposed by the Senate.

Amendment No. 22: Earmarks $302,331,000 for the Unemployment Insurance contingency fund as proposed by the Senate instead of $338,908,000 as proposed by the House.

LABOR—MANAGEMENT STANDARDS

SALARIES AND EXPENSES

Amendment No. 23: Appropriates $27,570,000 instead of $26,220,000 as proposed by the House and $28,920,000 as proposed by the Senate. The conference agreement includes $1,350,000 and 25 FTE to maintain a unit of collective bargaining expertise that has existed in the Labor Department for many years.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,356,000*

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

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $600,000 for a national commission on private pension plans if authorized by law.

The conferees intend that the $600,000 for the commission be taken from funds budgeted for research. No part of the funds are to come from funds budgeted for enforcement activities.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Amendment No. 26: Provides a limitation on administrative expenses of $33,857,000 as proposed by the Senate instead of $34,857,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 27: Appropriates $234,332,000 instead of $232,332,000 as proposed by the House and $238,882,000 as proposed by the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 28: Appropriates $290,895,000 instead of $287,100,000 as proposed by the House and $294,690,000 as proposed by the Senate. The conference agreement includes $29,683,000 for the on site consultation program.

The conferees agree that the current level of funds is provided for Targeted Training Grants under the compliance assistance activity to award a third round of demonstration grants under the pilot worker safety program for people employed in the logging industry.

The conferees direct the agency to reexamine the bloodborne pathogen standard as it applies to the practices of dentistry and the practice of medicine in physician offices. As it reexamines the standard, the agency is directed to consult with representatives of the dental and medical professions as well as representatives of health care workers.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 29: Appropriates $193,044,000 as proposed by the Senate instead of $191,930,000 as proposed by the House.

Amendment No. 30: Earmarks $5,634,000 for the State grants program as proposed by the Senate. The House bill included no similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 31: Appropriates $277,210,000 instead of $276,210,000 as proposed by the House and $278,714,000 as proposed by the State.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 32: Earmarks up to $4,438,000 for the President's Committee on Employment of People with Disabilities instead of $4,238,000 as proposed by the House and $4,653,000 as proposed by the Senate.

Amendment No. 33: Appropriates $143,976,000 instead of $143,291,000 as proposed by the House and $146,383,000 as proposed by the Senate.

Assistant Secretary for Veterans Employment and Training.

Amendment No. 34: Makes available $183,742,000 from the Unemployment Trust Fund instead of $187,308,000 as proposed by the House and $182,742,000 as proposed by the Senate. The conference agreement includes $3,195,000 for the transition assistance program.

OFFICE OF INSPECTOR GENERAL

Amendment No. 35: Appropriates $47,780,000 instead of $46,827,000 as proposed by the House and $48,734,000 as proposed by the Senate.

Amendment No. 36: Makes available $4,438,000 from the Unemployment Trust Fund instead of $4,313,000 as proposed by the House and $4,564,000 as proposed by the Senate.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 37: Appropriates $2,601,625,000 instead of $2,416,508,000 as proposed by the House and $2,606,761,000 as proposed by the Senate. Deletes reference to the funding level for the National Institute of General Medical Sciences as proposed by the Senate.

The conferees continue to be concerned that, notwithstanding assurances, the Health Resources and Services Administration (HRSA) has not given sufficient attention to the health care needs of Asian and Pacific Islander Americans who for cultural and language reasons do not have adequate access to health care. The conferees urge HRSA to make this population a priority.

The conferees intend that the native Hawaiian health scholarship program shall receive the same level of funding as in fiscal year 1992. Of the amounts made available for the Pacific Basin program, $1,700,000 shall be available to continue the medical officer training program.

The conferees encourage HRSA to provide technical assistance and such other assistance as the Department deems appropriate to any Healthy Start site that has an approved but unfunded application.

The conferees concur with language contained in the House report indicating that all health professions disciplines eligible by statute should be able to participate in the Minority Scholarship program and requesting a report on the progress in achieving this directive.

Within the total provided for Title II of the Ryan White Act, ten percent should be retained by the Secretary for special projects of national significance. The conferees direct that $5,200,000 of the set-aside be used to continue the HIV/AIDS dental education programs for the costs incurred in providing oral health services to HIV-positive patients.

The conference agreement provides $4,950,000 for the minority male grant program. The Secretary should give priority consideration to expending these funds through grants or contracts with a consortium of historically and predominantly black colleges and universities, in cooperation with community-based and neighborhood organizations designated by the Secretary.

The conference agreement provides $175,000,000 for family planning. The conferees have provided an increase in funding in order to offset a portion of the increased costs of providing family planning services. As a result of recent Federal legislation to better regulate clinical laboratories, the price of Pap tests has risen substantially; the average price for oral contraceptives rose by 42 percent from $1.26 in 1990 to $1.79 in 1992. The conferees direct that no funds may be used to reorganize Public Health Service regional offices prior to the approval of a reprogramming request.

Amendment No. 38: Appropriates $418,000 as proposed by the Senate instead of $414,000 as proposed by the House.

Amendment No. 39: Appropriates $990,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes user fees to cover the full costs of operating the malpractice data bank.

Amendment No. 41: Deletes language proposed by the Senate earmarking $1,000,000 of the total appropriated for the construction of a wellness facility in Alabama.

Amendment No. 42: Deletes language proposed by the Senate allocating $40,000,000 of funds made available under section 2711 of the Public Health Service Act for community health centers. Additional direct funding has been appropriated for community health centers within the account.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Amendment No. 43: Provides a loan limitation of $340,000,000 instead of $290,000,000 as proposed by the House and $400,000,000 as proposed by the Senate.

Amendment No. 44: Appropriates $2,970,000 as proposed by the House instead of $3,000,000 as proposed by the Senate.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,684,610,000*

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

The conferees have provided $5,500,000 for prevention centers, which includes $400,000 for a new center.

The conference agreement includes an additional $2,000,000 to enhance CDC's childhood immunization activities. The conferees wish to clarify that the conference agreement does not de-fund the $5,000,000 immunization data bank demonstration project requested by the Administration. The conferees look forward to receiving the additional information on the project requested in the House report and will provide further funding guidance to the Centers for Disease Control (CDC) at that time.

The conferees are aware of the disproportionate impact of vaccine preventable childhood illnesses in Hispanic communities. In particular, the conferees are concerned by the incidence of measles among Hispanics. The conferees are also aware of the effective collaboration of CDC and national minority health organizations to establish public/private ventures to make child health services, including immunization programs, available to underserved Hispanic populations. The conferees urge the continued development of such Hispanic initiatives.

The conferees support the CDC plan to award State HIV prevention cooperative agreements on a competitive basis in fiscal year 1993. However, the conferees are concerned that a redistribution of funds may disrupt current prevention services in some States. The conferees expect CDC to develop allocation criteria that avoid major program reductions and disruption in current counseling, testing, health education, risk reduction, public information and minority initiatives in the States and to inform States of the specific criteria to be used in the review process.

The conferees encourage CDC to increase its efforts in birth defects prevention and surveillance, particularly in areas with high incidence of neural tube defects.

The conferees assume that with the additional funding provided for breast and cervical cancer screening the CDC will be able to expand its prevention efforts to reach more women in rural areas and in States with very high incidence and mortality rates for breast and cervical cancer, noting the disproportionate incidence of these diseases among African American women.

The conferees are concerned by the increased incidence of injury and violence in communities, particularly in urban areas. The conferees intend that CDC begin to implement the violence prevention initiatives outlined in both the House and Senate reports.

The conferees are concerned that training and demonstration programs in the prevention of injuries have not focused on older Americans. The conferees suggest that CDC consider developing a demonstration project for the prevention of injuries among older adults.

Amendment No. 46: Appropriates $17,000,000 as proposed by the Senate instead of $6,930,000 as proposed by the House.

Amendment No. 47: Deletes language proposed by the Senate earmarking $100,000 for the National Institute for Occupational Safety and Health (NIOSH) to conduct a study in Indiana. The conferees direct NIOSH to update its information on the mortality experience of workers exposed to poly-chlorinated byphenols.

Amendment No. 48: Deletes language proposed by the Senate providing $40,000,000 in a presidential emergency fund for tuberculosis control activities and prohibiting the Combined Federal Campaign from including organizations that attempt to compel the Boy Scouts to accept homosexuals and atheists as members or leaders. Direct funding has been provided for tuberculosis control elsewhere in the account.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Amendment No. 49: Appropriates $2,007,483,000 instead of $1,998,616,000 as propose by the House and $2,010,439,000 as proposed by the Senate.

The conferees have placed the highest priority on expanding funding for women's health, including breast, cervical and ovarian cancer.

Amendment No. 50: Deletes language proposed by the Senate earmarking $1,000,000 for a cyclotron laboratory in Michigan.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

AMENDMENT No. 51: Appropriates $178,711,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $180,169,000 as proposed by the Senate. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102-321.

NATIONAL INSTITUTE ON DRUG ABUSE

AMENDMENT No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $408,982,000: Provided, That of such amount, $2,000,000 shall be made available to carry out section 706 of the ADAMHA Reorganization Act, P.L. 102-321, in lieu of amounts that would otherwise be provided for such purpose under section 706(e) of such Act.

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

With respect to the study of sterile needles and bleach authorized under section 706 of the ADAMHA Reorganization Act, the conferees note that section 706(c) provides that the study may not be conducted with respect to programs established after July 10, 1992, the date of enactment of the Act. Therefore, no new programs for distribution of needles and bleach shall be established pursuant to section 706.

The conferees strongly support the medications development program within the National Institute on Drug Abuse. This program is instrumental in providing a statutory framework for research in the field of discovering new methods to treat drug abuse.

NATIONAL INSTITUTE OF MENTAL HEALTH

AMENDMENT No. 53: Appropriates $590,436,000 for the National Institute of Mental Health instead of $596,098,000 as proposed by the Senate and eliminates any reference to the funding level for the Health Resources and Services Administration. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102-321.

NATIONAL INSTITUTE OF THE NEUROLOGICAL DISORDERS AND STROKE

AMENDMENT No. 54: Appropriates $606,600,000 instead of $605,100,000 as proposed by the House and $607,100,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

AMENDMENT No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate will an amendment, as follows:

In lieu of the sum proposed by an amendment, insert: *$991,805,000*

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

The conference agreement includes an additional $2,000,000 for research into childhood vaccines. The conferees encourage the Director of the Institute to establish a standing study section for chronic fatigue syndrome.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

AMENDMENT No. 56: Appropriates $839,804,000 instead of $842,229,000 as proposed by the House and $833,029,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The House and Senate bills provide $534,094,000 for the Institute. The conferees believe that research on sudden infant death syndrome should remain a high priority.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The House and Senate bills provide $255,115,000 for the Institute. The conferees are supportive of the Institute addressing public health hazards associated with volcanic emissions in Hawaii and Alaska.

NATIONAL INSTITUTE ON AGING

AMENDMENT No. 57: Appropriates $404,468,000 instead of $402,218,000 as proposed by the House and $405,218,000 as proposed by the Senate.

The conferees continue to be supportive of the health and retirement survey, including the proposed supplement on the oldest old.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The House and Senate bills provide $214,619,000 for the Institute. The Conferees agree that consideration for increased funding for juvenile arthritis should be given within available funds for the Institute.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 58: Appropriates $156,342,000 instead of $153,466,000 as proposed by the House and $157,301,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

Amendment No. 59: Appropriates $315,251,000 instead of $314,351,000 as proposed by the House and $315,551,000 as proposed by the Senate.

NATIONAL CENTER FOR NURSING RESEARCH

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

In lieu of the sum proposed by said amendment, insert: *$48,591.000*

And on page 25 of the House engrossed bill, H.R. 5677, strike all in line 19 and insert in lieu thereof the following:

NATIONAL INSTITUTE OF NURSING RESEARCH

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

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 61: Appropriates $20,002,000 instead of $20,133,000 as proposed by the House and $19,609,000 as proposed by the Senate.

OFFICE OF THE DIRECTOR

Amendment No. 62: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$192,763,000*

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

It is the conferees' intent that the activities of the Office of AIDS Research, including its work in developing an NIH-wide research plan, be continued. The conference agreement assumes that funding for these activities will be maintained at not less than the fiscal year 1992 level. The conferees also intend that the Office of Alternative Medicine be funded at a level of $2,000,000 and that exramural facilities construction be supported at a level of $5,000,000.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $5,000,000 for extramural facilities construction grants if awarded competitively.

The conferees intend that these funds shall be available regardless of construction date start-up or solicitation of construction bid.

Amendment No. 64: Deletes language proposed by the Senate permitting the Director of NIH to authorize the use of non-FDA-approved medications and procedures for research purposes.

BUILDINGS AND FACILITIES

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$109.608,000*

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

The conference agreement assumes that $30,000,000 of these funds will be used to partially finance phase II of the Consolidated Office Building project and that $10,000,000 will be used to continue ongoing construction at the North Carolina campus of the National Institute of Environmental Health Sciences.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

Amendment No. 66: Inserts new name of agency as proposed by the Senate.

Amendment No. 67: Inserts new descriptive appropriations language as proposed by the Senate.

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

In lieu of the sum proposed by said amendment, insert: *$2,023,524,000*

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

The conferees have provided $135,000,000 for treatment improvement programs. Included in this amount is $11,000,000 for residential treatment programs for women and children, including $2,000,000 for programs with a primary focus on women and infants impacted by alcohol abuse; $18,654,000 for the campus treatment program; $45,310,000 for treatment programs among critical populations; $18,077,000 for comprehensive community treatment programs; $33,454,000 for treatment in criminal justice; $5,505,000 for training and $3,000,000 to carry out section 571 of the Public Health Service Act.

Within the amount provided for SAMHSA for clinical training, the conferees direct that the AIDS clinical training program be maintained at its fiscal year 1992 level of $3,016,000.

The conferees encourage that within the amount provided for SAMHSA, the administrator create an Office on AIDS with direct program responsibility for outreach projects to injecting drug users not in treatment, AIDS mental health demonstration programs, AIDS mental health and substance abuse training and other programs as deemed appropriate by the administrator.

The conferees are supportive of programs that use treatment and/or diversion in lieu of incarceration for non-violent drug-related crime. Concurrently, the conferees are concerned that some communities are operating under court order to reduce the number of men and women in their county jails even as they face significant increases in drug-related crime. The conferees encourage funding programs in areas that are under court order to reduce their incarcerated populations and in addition are able to contribute local funds for such a program.

The conferees are aware of the increasing need for substance abuse prevention programs in youth homes serving disadvantaged youth ages 13–17, particularly males who are at risk, or already have had problems with the judicial system. Within the increase provided for the Center for Substance Abuse Prevention, the conferees encourage the Center to give priority to projects which support substance abuse prevention services for high risk youths residing in youth homes which focus on a range of at-risk behaviors, including substance abuse, runaway, truancy, physical and sexual abuse, delinquency and family conflict.

The conferees have been impressed with reports received regarding the success of community based, grassroots programs that are based on recovering addicts helping other addicts to maintain sobriety. The conferees urge the Center for Substance Abuse Treatment to give priority consideration to projects which document, through case study, the development of these programs and improve their systems of outcome evaluation. The conferees encourage the center to take advantage of the technical and managerial resources of target cities grantees in providing assistance to these community based organizations.

Substance abuse is a treatable illness afflicting many people in our society. Recent research has suggested that various combinations of socio-economic, psychological, and genetic factors can lead to a greater likelihood of substance abuse among certain individuals. Therefore, given that many individuals in need of treatment are simultaneously abusers of both alcohol and other drugs, it is apparent that alcohol abuse is a substantial problem in its own right.

The conferees are aware that prior to the reorganization, NIMH had developed and im-

plemented a primary prevention portfolio. During the transition period, it is expected that both agencies will work collaboratively to ensure that funds made available will be utilized to ensure that the best projects are supported.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$960,000*

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

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *:Provided, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,000,000 from amounts appropriated to carry out section 510 of that Act*

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

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 71: Appropriates $57,444,000 instead of $63,171,000 as proposed by the House and $56,251,000 as proposed by the Senate.

The conferees expect the Office of Minority Health to continue its support for the Surgeon General's initiative on Hispanic/Latino health.

CAPITAL IMPROVEMENT FUND

(Transfer of Funds)

Amendment No. 72: Deletes language proposed by the House that would have established a Public Health Service capital improvement fund to be financed by a one percent transfer from each discretionary appropriation account in the Public Health Service.

AGENCY FOR HEALTH CARE POLICY RESEARCH

HEALTH CARE POLICY RESEARCH

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$110,578,000*

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

The conference agreement includes $1,500,000 for creation of three multidisciplinary rural health services policy and research centers.

Amendment No. 74: Places a limitation of $13,310,000 on amounts available pursuant to section 926(b) of the Public Health Service Act as proposed by the House instead of $53,316,000 as proposed by the Senate.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

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

In lieu of the sum proposed by said amendment, insert: *$65,495,650,000*

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

In light of the Medicaid policy requiring that the EPSDT program screen all children under the age of six for lead poisoning, the conferees encourage the Health Care Financing Administration (HCFA) to conduct an evaluation of the various methods of testing for blood lead poisoning to provide definitive information on the preferred procedure of assessing lead levels in children. The conferees expect that HCFA will work cooperatively with CDC in this effort. A report should be made to the Committees prior to the fiscal year 1994 appropriations hearings.

PAYMENTS TO HEALTH CARE TRUST FUNDS

Amendment No. 76: Appropriates $45,962,862,000 as proposed by the Senate instead of $43,963,192,000 as proposed by the House.

PROGRAM MANAGEMENT

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

In lieu of the sum proposed by said amendment, insert: *$2,179,900,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,179,900,000*

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

The conference agreement makes available from trust funds $2,179,900,000 to administer the programs of the Health Care Financing Administration. $10,000,000 of this amount is provided to support the insurance counseling program authorized under section 4360 of Public Law 101-508. The conference agreement restores language from previous years clarifying that user fees authorized and collected under the Clinical Laboratory Improvement Act shall be credited to this administrative account.

The conference agreement includes $1,000,000 to initiate a project to demonstrate the effectiveness of telemedicine systems linking hospitals to existing Statewide fiber optics networks.

The conferees wish to ensure that in the absence of a contingency fund for unanticipated needs for Medicare contractors that claims processing activities and beneficiary and provider services, including the beneficiary toll-free telephone lines, are funded adequately to maintain these high priority services at their current levels. Accordingly, the conferees urge that amounts allocated to these activities shall not be less than the amounts set forth for these activities in the President's request.

The conferees are also concerned that HCFA recently initiated a procurement for the comprehensive redesign of Medicare's claims processing system. While the conferees agree that greater uniformity and efficiency may be achieved in the payment of Medicare claims, they believe that any further action related to the solicitation, review or award of such a contract would not be appropriate until the Comptroller General has completed his report on the existing claims payment system, including an analysis of HCFA's recent procurement request, and has provided his recommendations to Congress and the Secretary on an appropriate course of action. Further, the conferees direct HCFA to delay until June 1, 1993 the date for giving notice of intent to bid and to delay until August 1, 1993 the date for submission of bids pursuant to the procurement.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,009,657,000*

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

The conferees have provided $16,009,657,000 for the Supplemental Security Income program instead of $15,994,773,000 as proposed by the House and $15,983,164,000 as proposed by the Senate.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,899,142,000*

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

The conferees have provided a limitation on administrative expenses of $4,899,142,000 instead of $4,652,150,000 as proposed by the House and $4,669,839,000 as proposed by the Senate. This amount will be reduced by an across-the-board reduction and a general salaries and expenses reduction to be distributed by the Secretary. The conferees regard the Limitation on Administrative Expenses of the Social Security Administration as being of the highest priority, and expect the Secretary to carefully consider workload factors when allocating the undistributed reductions to the Health and Human Services administrative accounts.

Neither House nor Senate bills included proposed language to collect user fees from States that would have provided approximately $60,000,000 in additional budgetary resources for this administrative account. The Social Security Act does not authorize the Secretary to mandate the collection of this fee. This legislative proposal falls within the jurisdiction of the authorizing committees. It is the expectation of the conferees that future legislative proposals to finance normal administrative costs be submitted to the authorizing committees and not be proposed in appropriations language.

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

In lieu of the sum proposed by said amendment, insert: *$200,000,000*

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

The conferees earmarked $200,000,000 of the total limitation in the contingency fund instead Of $10,000,000 as proposed by the Senate. The House bill did not include a contingency fund.

Amendment No. 81: Deletes language added by the Senate which would have provided $500,000,000 in an emergency fund to become available only after submission to Congress of a formal budget request by the President that includes designation of the entire

amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The House bill did not contain a similar provision.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

Amendment No. 82: Appropriates $11,695,072,000 as proposed by the Senate instead of $11,441,950,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

LOW INCOME HOME ENERGY ASSISTANCE

Amendment No. 83: Appropriates $1,356,905,000 as proposed by the Senate instead of $891,000,000 as proposed by the House. The conference agreement provides that $687,720,000 of this amount shall become available on September 30, 1993 as proposed by the Senate. The House bill contained no delayed obligations.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation for fiscal year 1994 of $1,449,000,000 of which $143,095,000 would be available for reimbursing fiscal year 1993 State costs.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 85: Appropriates $384,576,000 instead of $321,750,000 as proposed by the House and $405,114,000 as proposed by the Senate.

The conferees agree that the Office of Refugee Resettlement may proceed with the development of their proposal to restructure the delivery of refugee cash and medical assistance to reduce program costs and improve self-sufficiency outcomes. This proposal would replace the current state-administered cash and medical assistance program with a similar program of interim income support, case management, and employment services. However, the conferees have neither endorsed nor prohibited implementation of the new program at this time, and expect the current cash and medical assistance and voluntary agency matching grant programs to continue until any change is implemented. While it is ORR's proposal to begin the new program early in the second quarter of fiscal year 1993, the conferees have several concerns which must first be addressed. The conferees recognize that refugees rely on a combination of services provided by States, voluntary agencies and mutual assistance associations, and regard the continuation of a significant role for each of these entities in a coordinated network of refugee assistance to be the core policy in any program restructuring. Therefore, the conferees require that implementation of any major program changes occur only after continued consultations with States, voluntary agencies and affected mutual assistance associations. The conferees further expect that any program changes will comport with criteria previously outlined by the authorizing committees. At such time as the new program is initiated, ORR is urged to award grants on an expedited basis. The conferees also encourage ORR to work closely with States and voluntary agencies who currently administer or who have received approval for Fish/Wilson demonstrations in order to continue to test the most effective means of delivering resettlement services.

The conference agreement provides the following distribution of funding:

Transitional and medical services	$247,793,000
Social services	81,485,000
Preventive health	5,530,000
Targeted assistance	49,795,000
Total	384,576,000

In order to provide ORR maximum flexibility and obviate the requirement for a reprogramming, the conferees have consolidated cash and medical assistance, voluntary agency funding, unaccompanied minors, and special medical assistance into a single line called transitional and medical services. This will allow the continuation of the current program until such time as the new program may be implemented. The conference agreement includes $81,458,000 to continue the state-administered social services program and $49,795,000 for targeted assistance, and the conferees concur in the directions stated in the House and Senate reports regarding these programs. The conferees agree that funds for social services and targeted assistance shall be used for state-administered programs and services. The conference agreement also includes $5,530,000 to continue the current preventive health screening program. The conferees have rejected the proposal to transfer the management of the State grants portion of this activity from the Centers for Disease Control to the Office of Refugee Resettlement at this time, and request that the Secretary provide a report to the Committees prior to the fiscal year 1994 appropriations hearings on the most effective method of managing and financing these services while ensuring the public health mission of this program.

Amendment No. 86: Deletes language added by the Senate which would have delayed the obligation of $116,616,000 until September 30, 1993. The House bill did not include delayed obligations.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$812,000,000 shall be available in fiscal year 1994 and the remainder*

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

Of the total funds which become available in fiscal year 1993, the conferees have deferred $812,000,000 until fiscal year 1994. Consistent with the fiscal year 1993 grant cycle, the conferees expect the fiscal year 1994 funds to be distributed by October 15, 1993.

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

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

Section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by adding the following at the end thereof: "Any funds not expended by States by December 30, 1994 shall be reallocated by the Secretary to States which had expended their entire allotments, based on each State's percentage share of total unreimbursed legalized alien costs in all States. Funds made available to a State pursuant to the preceding sentence of this paragraph shall not remain available after June 30, 1995.".

Section 204(b)(5) of the Immigration Reform and Control Act of 1986 is amended by striking the period at the end thereof and adding the following: ", Provided, That with respect to States in which total allowable unreimbursed State and local costs incurred prior to October 1, 1992 exceed $100,000,000, within each such State's allocation, the State shall first reimburse all allowable costs incurred between October 1, 1990 and October 1, 1992, before reimbursing costs incurred on or after October 1, 1992, except for State and local administrative costs and for costs of services required to enable aliens granted temporary residence under section 245A(a) of the Immigration and Nationality Act to attain citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act: Provided further, that in reimbursing costs incurred prior to October 1, 1992, each State shall reimburse each provider at the same pro rata rate.".

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

The conference agreement amends the Immigration Reform and Control Act of 1986 to provide that (1) unused funds at the end of the program shall be redistributed to States which have unreimbursed costs, and (2) States in which total allowable unreimbursed costs incurred prior to October 1, 1992 exceed $100,000,000 must first reimburse costs incurred during fiscal year 1991 and 1992 on a pro rata basis before reimburseing costs incurred during fiscal year 1993.

The conferees are concerned that statutory requirements under the Immigration Reform and Control Act of 1986 to provide funds for educational services, public health programs and public assistance programs are not being observed. The conferees expect the Secretary to ensure that each State use no less than 10% of its annual allotment, including fiscal year 1993, for educational services, public health and public assistance programs respectively, as required by IRCA.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 89: Appropriates $444,451,000 for community services instead of $394,710,000 as proposed by the House and $457,642,000 as proposed by the Senate.

Amendment No. 90: Earmarks $38,601,000 for discretionary activities under section 681(a) of the Community Services Block Grant Act instead of $25,415,000 as proposed by the House and $42,115,000 as proposed by the Senate.

Amendment No. 91: Deletes earmark added by the Senate to provide $12,000,000 for the National Youth Sports Program. The House bill did not provide a specific earmark for this program, but included $5,940,000 for this purpose in the overall total. The conferees have included $9,500,000 for this program under the earmark for discretionary activities.

Amendment No. 92: Earmarks $3,850,000 for demonstration partnership grants instead of $2,005,000 as proposed by the House and $3,977,000 as proposed by the Senate.

Amendment No. 93: Earmarks $7,000,000 for community food and nutrition as proposed by the Senate instead of $3,465,000 as proposed by the House.

CONSULTING SERVICES

Amendment No. 94: Deletes language proposed by the Senate that would have reduced funds available for consulting services throughout the bill by 4.1 percent from the amount requested in the President's budget. This matter is addressed under amendment number 95.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: On page 76 of the House

engrossed bill, H.R. 5677 insert after line 19 the following:

SEC. 513. Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1993 shall, during fiscal year 1993, obligate and expend funds for consulting services in excess of an amount equal to 92 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1993: Provided, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1993 is reduced by an amount equal to 8 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1993 for consulting services. As used in this section, the term "consulting services" includes any services within the definition of "Advisory and Assistance Services" in the Office of Management and Budget Circular A-120, dated January 4, 1988.

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

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

Amendment No. 96: Appropriates $900,000,000 for the Child Care and Development Block Grant program instead of $841,500,000 as proposed by the House and $975,000,000 as proposed by the Senate.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Amendment No. 97: Appropriates $3,693,483,000 instead of $3,602,262,000 as proposed by the House and $3,695,384,000 as proposed by the Senate.

The conferees understand that the infant development and mental retardation prevention project proposed by the Senate cannot be initiated in ten sites this year. Further, the conferees understand that sufficient funding is not available within the research account to undertake this initiative at ten sites. The conferees believe there is great promise in this early intervention program and encourage the Administration for Children and Families and the Centers for Disease Control to continue discussions about the implementation of this program in at least a limited number of sites this year.

The conferees have included $25,000,000 for family violence programs. Of the amount provided, $2,500,000 is included for State domestic violence coalitions to coordinate services with the local programs and do planning and training of criminal justice personnel.

The conferees have provided funding within the Child Abuse Discretionary activity to continue funding for the Advisory Board on Child Abuse and Neglect.

The conferees intend that the increase for university-affiliated facilities over the House bill be used to fund a new UAP at $200,000, with the remainder to be obligated for a training initiative and a feasibility study for new UAPs.

Funding is available to continue the Native Hawaiian revolving loan program, the National Center for Native American Studies and Indian Policy Development, the Native American Languages Act, and environmental planning and management programs.

Amendment No. 98: Deletes language added by the Senate which would have prohibited the Department of Health and Human Services from taking any action against the State of Connecticut for failing to recover overpayments from the Mercado family pursuant to title IV of the Social Security Act. The House bill did not include a similar provision.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 99: Appropriates $2,924,014,000 as proposed by the Senate instead of $2,988,668,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 100: Appropriates $845,964,000 instead of $838,228,000 as proposed by the House and $850,693,000 as proposed by the Senate and deletes language proposed by the Senate concerning salaries and expenses reductions in the Department of Health and Human Services.

The conferees have provided an additional $500,000 for the establishment of Centers of Applied Gerontology as authorized by the Older Americans Act of 1992 for career preparation of minorities in the field of aging.

The $17,000,000 provided for preventive health services is to be carried out under tile III-F of the Older Americans Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 101: Appropriates $92,093,000 as proposed by the Senate instead of $91,159,000 as proposed by the House. The conference agreement includes $500,000 to continue the HHS human services transportation initiative, as described in the Senate Committee report.

Amendment No. 102: Makes available $30,305,000 from the Social Security trust funds as proposed by the Senate instead of $30,252,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,973,000*

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

Amendment No. 104: Makes available $37,027,000 from the Social Security trust funds as proposed by the House instead of $46,988,000 as proposed by the Senate.

POLICY RESEARCH

Amendment No. 105: Appropriates $8,263,000 as proposed by the Senate instead of $8,415,000 as proposed by the House.

Amendment No. 106: Deletes earmark proposed by the Senate for the Institute for Research on Poverty.

The conferees direct the Department to provide $3,350,000 for research on poverty to be conducted at the Institute for Research on Poverty.

GENERAL PROVISIONS

Amendment No. 107: Deletes language proposed by the Senate that would permit Federal funds contained in the Act to be used for abortions in circumstances of rape or incest.

Amendment Nos. 108–109: Insert language proposed by the Senate that changes the name of an agency to conform to the authorizing legislation.

Amendment No. 110: Deletes language proposed by the House that would have required States and political subdivisions to transmit data on deaths occurring within the State and data on each individual within the State awarded workers' compensation.

Amendment No. 111: Deletes language proposed by the House that would have prohibited the carrying out of section 571(h) of the Public Health Service Act. This Matter is addressed under amendment number 70.

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 216. Notwithstanding any other provision of this Act, funds appropriated under this Act for salaries and expenses of the Department of Health and Human Services are hereby reduced by $110,000,000: Provided, That the fiscal year 1994 budget justification material shall specify amounts budgeted for administrative costs within object classes 11 through 32 by appropriation account and by organizational entity, with comparisons to fiscal year 1993 comparable amounts.

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

Amendment No. 113: Deletes language proposed by the Senate that would permit the Secretary of Health and Human Services to accept donation of an investigational AIDS vaccine and in return indemnify the manufacturer against all legal claims.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 114: Appropriates $6,763,950,000 for compensatory education programs instead of $6,759,924,000 as proposed by the House and $6,770,943,000 as proposed by the Senate.

Amendment No. 115: The conference agreement provides that $6,733,631,000 of the appropriation for compensatory education shall become available on a forward funded basis on July 1, 1993 instead of $6,729,655,000 as proposed by the House and $6,740,368,000 as proposed by the Senate.

Amendment No. 116: Earmarks $5,493,875,000 for basic grants instead of $5,469,750,000 as proposed by the House and $5,518,000,000 as proposed by the Senate.

Amendment No. 117: Earmarks $681,450,000 for concentration grants instead of $702,900,000 as proposed by the House and $660,000,000 as proposed by the Senate.

Amendment No. 118: Earmarks $40,054,000 for capital expenses as proposed by the Senate instead of $39,653,000 as proposed by the House.

Amendment No. 119: Earmarks $90,000,000 for the Even Start program as proposed by the Senate instead of $89,100,000 as proposed by the House.

Amendment No. 120: Earmarks $305,215,000 for migrant education programs as proposed by the House instead of $308,298,000 as proposed by the Senate.

Amendment No. 121: Earmarks $35,693,000 or neglected and delinquent programs as proposed by the House instead of $36,054,000 as proposed by the Senate.

Amendment No. 122: Earmarks $61,202,000 for State administration as proposed by the House instead of $61,820,000 as proposed by the Senate.

Amendment No. 123: Earmarks $14,850,000 for evaluation and technical assistance as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 124: Earmarks $5,000,000 for rural technical assistance as proposed by the Senate instead of $4,950,000 as proposed by the House.

IMPACT AID

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follow;

In lieu of the sum proposed by said amendment, insert: *$756,204,000*

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

The conference agreement appropriates $756,204,000 for Impact Aid activities instead of $763,981,000 as proposed by the House and $757,756,000 as proposed by the Senate.

Amendment No. 126: Earmarks $571,654,000 for payments under section 3(a) instead of $566,767,000 as proposed by the House and $576,540,000 as proposed by the Senate.

Amendment No. 127: Earmarks $124,626,000 for payments under section 3(b) as proposed by the Senate instead of $123,380,000 as proposed by the House.

Amendment No. 128; Earmarks $29,700,000 for payments under section 3(d)(2)(B) as proposed by the House instead of $30,000,000 as proposed by the Senate.

Amendment No. 129; Earmarks $16,424,000 for payments under section 2 as proposed by the House instead of $16,590,000 as proposed by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts an earmarks of $1,800,000 for payments under section 3(e) as proposed by the Senate. The House bill had no similar provision.

Amendment No. 131: Earmarks $12,000,000 of construction and renovation of school facilities instead of $10,000,000 as proposed by the Senate and $27,710,000 as proposed by the House.

Amendment No. 132: Earmarks $4,600,000 of construction funds for awards under section 10 instead of $4,000,000 as proposed by the Senate and $11,870,000 as proposed by the House.

Amendment No. 133: Earmarks $3,800,000 of construction funds for awards under section 14(a) and 14(b) instead of $3,000,000 as proposed by the Senate and $9,900,000 as proposed by the House.

Amendment No. 134: Earmarks $3,600,000 of construction funds for awards under sections 5 and 14(c) instead of $3,000,000 as proposed by the Senate and $5,940,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken, amended to read as follows:

Provided further, That funds provided in this Act shall be available for assistance in defraying the costs of the education of military dependents as a result of temporary dislocations caused by transfers, return of military families from overseas, and closures of foreign and domestic bases, and $500,000,000 shall be made available to the Department of Defense, provided that this entire amount may be transferred to the Secretary of Education and merged with and made available under the Impact Aid program except that nothing in this proviso shall modify any provision of Public Law 81-815 or Public Law 81-874 including those provisions related to eligibility or payment levels for any student or school district.

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

The conference agreement deletes language proposed by the House but stricken by the Senate which would have authorized $10,000,000 for impact aid payments to certain heavily impacted school districts. The conference agreement includes language clarifying that impact aid funds are available for educational costs of military students resulting from redeployments and realignments of military forces. This language does not modify any provisions of the Impact Aid statute.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the legislative citation for section 3(b) of Public Law 81-874.

SCHOOL IMPROVEMENT PROGRAMS

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,543,750,000*

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

The conference agreement appropriates $1,543,750,000 for school improvement activities instead of $1,557,855,000 as proposed by the House and $1,553,611,000 as proposed by the Senate.

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

In lieu of the sum proposed by said amendment, insert: *$1,229,843,000*

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

The conference agreement provides that $1,229,843,000 of the appropriation for school improvement programs shall become available on a forward funded basis on July 1, 1993 instead of $1,237,463,000 as proposed by the House and $1,235,963,000 as proposed by the Senate.

Amendment No. 139: Earmarks $23,110,000 for chapter 2 national programs instead of $20,691,000 as proposed by the House and $24,320,000 as proposed by the Senate.

The conference agreement includes $7,000,000 for the arts in education program including $4,000,000 for Very Special Arts and $3,000,000 for educational outreach activities of the John F. Kennedy Center authorized by section 1564 of the Elementary and Secondary Education Act.

Amendment No. 140: Earmarks $24,750,000 for emergency grants as proposed by the House instead of $25,000,000 as proposed by the Senate.

The conferees are aware that the Secretary of Education has requested $2,000,000 of the National Programs funding under the Drug-Free Schools program be set aside for the creation of a Higher Education Training and Technical Assistance Center. The conferees urge that this center be created to combat drug use in our colleges and universities primarily through education, research and prevention activities.

Amendment No. 141: Earmarks $248,000,000 for State grants for mathematics and science education as proposed by the Senate instead of $245,520,000 as proposed by the House.

Native Hawaiian Education.—The conferees are agreed that of the funds made available, $1,000,000 shall be for the gifted and talented program and at least $3,500,000 shall be for family based education centers.

BILINGAL AND IMMIGRANT EDUCATION

Amendment No. 142: Appropriates $227,750,000 for bilingual and immigrant education instead of $231,308,000 as proposed by the House and $224,191,000 as proposed by the Senate.

SPECIAL EDUCATION

Amendment No. 143: Appropriates $2,989,807,000 for special education instead of $2,920,103,000 as proposed by the House and $3,045,773,000 as proposed by the Senate.

The conferees expect that at least $2,500,000 will be available under Innovation & Development and Personnel Development for activities related to Attention Deficit Disorder. These funds are to be used primarily to develop new inservice and preservice training for teachers, administrators, and educators at all levels in order to address the needs of children with ADD, and to continue the work of the ADD centers and enable them to disseminate their information. Within the Media and Captioning activity, the conferees have included an increase of $500,000 to expand the availability of captioned cable news programming and an increase of $1,000,000 for producing textbooks-on-tape for the blind.

Amendment No. 144: Appropriates $2,069,284,000 for Part B grants to states instead of $2,052,567,000 as proposed by the House and $2,086,000,000 as proposed by the Senate.

Amendment No. 145: Appropriates $328,400,000 for preschool grants instead of $316,800,000 as proposed by the House and $340,000,000 as proposed by the Senate.

Amendment No. 146: Appropriates $215,000,000 for grants for infants and families instead of $178,794,000 as proposed by the House and $235,000,000 as proposed by the Senate.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that any State agency eligible to receive Chapter 1 handicapped funds shall, at a State's discretion, be deemed to be a local education agency for purposes of receiving funds under Part B of the Individuals with Disabilities Education Act.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that no State shall receive more per child under the Chapter 1 handicapped program than it received in fiscal year 1992, and that any excess funds in the Chapter 1 handicapped program shall be distributed under the Part B Grants to States program.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Amendment No. 149: Appropriates $2,185,968,000 for rehabilitation services and disability research instead of $2,125,385,000 as proposed by the House and $2,199,107,000 as proposed by the Senate.

The conferees intend that of the funds included in the bill for demonstration projects under the Rehabilitation Act of 1973, at least $2,000,000 shall be used to support demonstration projects that provide transportation services to individuals with disabilities who are employed or seeking employment or who are receiving vocational rehabilitation services, if authorized.

The conferees have included funding within the National Institute on Disability and Rehabilitation Research to support the cre-

ation of regional centers to act as a resource to public and private sectors in evaluating and prescribing assistive technologies needed to ensure compliance with the Americans with Disabilities Act. Such centers should be located at educational institutions which have been on the cutting edge of professional training in rehabilitative practice areas. The conferees also encourage NIDR to consider providing support to an organization that provides support for international entrepreneurship in rehabilitation by fostering the international exchange of experts and information. The conferees intend such an effort should focus on domestic organizations that will need effective training, employment and business strategies in developing countries that will help people with disabilities attain higher levels of independence and self-sufficiency.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 150: Appropriates $6,349,000 for the American Printing House for the Blind as proposed by the Senate instead of $6,286,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 151: Appropriates $41,041,000 for Institute operations as proposed by the Senate instead of $39,045,000 as proposed by the House.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $354,000 for construction to remain available until expended. The House did not include funding for this activity.

GALLAUDET UNIVERSITY

Amendment No. 153: Appropriates $78,215,000 for Gallaudet University as proposed by the Senate instead of $75,774,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

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

In lieu of the sum proposed by said amendment, insert: *$1,486,431,000*

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

The conference agreement appropriates $1,486,431,000 for vocational and adult education programs instead of $1,509,016,000 as proposed by the House and $1,492,836,000 as proposed by the Senate.

Amendment No. 155: Earmarks $31,840,000 for national programs as proposed by the Senate instead of $37,125,000 as proposed by the House.

Amendment No. 156: Earmarks $10,000,000 of national program funds for research as proposed by the Senate instead of $11,385,000 as proposed by the House.

Amendment No. 157: Earmarks $16,840,000 of national program funds for demonstrations as proposed by the Senate instead of $15,840,000 as proposed by the House. The conferees are agreed that this funding level will support all special demonstration initiatives identified in the House and Senate Committee reports.

Amendment No. 158: Deletes without prejudice legislative earmark for education employment centers inserted by the Senate. The conferees are agreed that the Model Community Education Employment Centers will be funded at the level of $3,000,000. The House bill included no similar provision. The conference agreement includes no funds for "choice" demonstrations.

Amendment No. 159: Earmarks $5,000,000 of national program funds for data systems as proposed by the Senate instead of $9,900,000 as proposed by the House. The remainder of these funds have been provided within the Department of Labor.

Amendment No. 160: Deletes language included by the House but stricken by the Senate earmarking funds for English literacy grants. The conference agreement does not include funding for this program.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 161: Modifies citation as proposed by the Senate.

Amendment No. 162: Modifies citation as proposed by the Senate.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *and part H of said title, $7,516,123,000*

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

The conference agreement provides $7,516,123,000 for student financial assistance instead of $8,101,170,000 as proposed by the House and $7,427,928,000 as proposed by the Senate.

The conference agreement also inserts the legislative citation for the new part H program integrity activity. The conference agreement does not specifically allocate funding for this program which was recently authorized in Public Law 102-325. The conferees are aware, however, that the Department is currently reviewing the need to initiate this program prior to Fiscal Year 1994. The insertion of this legal citation will permit the Department to submit a reprogramming request if they believe the situation is sufficiently urgent.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing extended availability through fiscal year 1994 of fiscal year 1993 appropriations.

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language specifying that $242,058,000 of this appropriation is available only for payment towards the fiscal year 1991 and fiscal year 1992 Pell grant shortfalls. This amount, together with $90,000,000 reprogrammed from fiscal year 1992 fundings, provides the same amount requested by the President for the shortfall.

Amendment No. 166: Specifies the maximum Pell grant award for fiscal year 1993 at $2,300 as proposed in both the House and Senate bills.

Amendment No. 167: Modifies citation as proposed by the Senate. This change is technical only.

Amendment No. 168: Modifies legislative language as proposed by the Senate. This change is technical only.

GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

Amendment No. 169: Appropriates $63,000,000 for Federal administrative expenses as proposed by the Senate instead of $64,350,000 as proposed by the House.

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: , *of which $1,000,000, which shall remain available until expended, shall be for the Commission on the Cost of Higher Education as authorized by part C of title XIV of the Higher Education Act and $1,000,000, which shall remain available until expended, shall be for the National Commission on Independent Higher Education authorized by part B of title XIV of said Act*

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

The conference agreement provides $1,000,000 each for two newly authorized commissions established by Public Law 102-325. The Senate bill included funds only for the Commission on the Cost of Higher Education. The House bill had no similar provision.

HIGHER EDUCATION

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *including subpart 2 of part A and part D, XI*

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

The conference agreement modifies the legislative citation to make "clear that funding is available for carrying out parts A and D of title XI of the Higher Education Act. The House and Senate bills had different citations.

Amendment No. 172: Modifies citation as proposed by the Senate.

Amendment No. 173: Appropriates $844,690,000 for higher education instead of $831,408,000 as proposed by the House and $851,245,000 as proposed by the Senate.

Amendment No. 174: Modifies citation as proposed by the Senate.

Amendment No. 175: Earmarks $18,840,000 for interest subsidy payments as proposed by the Senate instead of $18,652,000 as proposed by the House.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a citation for payments to Guam under title XII of the Higher Education Act. The conference agreement includes $400,000 for this purpose as proposed by the Senate. The House bill did not include funds for this program.

Amendment No. 177: Deletes language included by the House but stricken by the Senate. This language earmarked a specific amount of funds for the Ronald McNair program. This funding level is now set by the authorizing statute.

Amendment No. 178: Deletes language included by the House but stricken by the Senate which set certain restrictions on awards under subpart 6 of part A of title IV of the Higher Education Act. These restrictions are now part of the basic authorization for this program.

Amendment No. 179: Deletes the word "further" as proposed by the Senate.

Amendment No. 180: Modifies citation as proposed by the Senate.

Amendment No. 181: Modifies citation for Federal TRIO activities as proposed by the Senate.

Fund for the Improvement of Postsecondary Education.—The conference agreement includes $27,000,000 for activities administered under the Fund for the Improvement of Postsecondary Education. This amount is $12,150,000 over the House bill and $7,000,000 over the level in the Senate bill.

Amendment No. 182: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new Dwight D. Eisenhower Leadership program. The conference agreement provides $3,500,000 to initiate this program authorized under part D of title X of the Higher Education Act. These funds are included under the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

Amendment No. 183: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new training in early childhood education and violence counseling program. The conference agreement provides $5,000,000 to initiate this program authorized under section 596 of subpart 5 of title V of the Higher Education Act. These funds are included under the appropriation for the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

In addition to the amounts specified under amendments 182 and 183, the conference agreement for grants under the Fund for the Improvement of Postsecondary Education also includes $2,500,000 for the new International Exchange program authorized by subpart 2 of part A of title X of the Higher Education Act instead of the $5,000,000 proposed in the House and Senate bills. Also included under the Fund is $2,500,000 to continue programs to attract minorities to become teachers as authorized by part E of title V of the Higher Education Act.

The conferees also believe that the Fund for Improvement of Postsecondary Education could be used effectively to expand model programs dedicated to advancing minority Ph.D. and faculty development. Funds could be used to expand minority candidate and faculty participation, teaching, skill and curriculum enhancement, and for other related purposes. The conferees urge the Department to give high priority to an initiative of this type in fiscal year 1993.

International Education.—The conference agreement includes $35,820,000 for domestic programs under the international education activity. This is $2,180,000 more than provided in the House bill and $180,000 less than provided by the Senate.

The conferees have included $1,600,000 for language resource centers. This amount will support three existing centers and allow for establishment of one new center. The new center should demonstrate a partnership between a State education agency and a land grant university that has demonstrated expertise in elementary foreign language teacher preparation, to provide a model language resource center for elementary school foreign languages education, and to provide for assessment of oral foreign language skills. The center should be located in a State with participation of not less than 50 percent of high school students in foreign language courses.

The conferees are concerned that although there are currently 105 National Resource Centers funded by the Center for International Education, none of these centers are located on the campus of a Historically Black College or University (HBCU). The conferees have, therefore, provided $500,000 to be awarded in fiscal year 1993 to an HBCU and private sector consortium for the planning, development and start-up costs of a National Resource Center on Africa.

The conferees further expect that the remaining increase provided for domestic programs over fiscal year 1992 will be applied to existing programs, rather than funding new programs, as provided under Public Law 102-325. The conferees also expect that the Department will not reduce funding for existing CIBERS which the Secretary deems of quality, in order to increase the total number of CIBERS.

TRIO Programs—upward bound.—The conferees direct that if a review of the recent upward bound competition results in an increase in the number of applications that are approved for funding, a portion of the fiscal year 1993 funds may be used to fund these applications.

Mary McLeod Bethune-Cookman College.—The conferees are aware that the Senate and the House have approved and cleared for the President legislation which authorizes completion of the Mary McLeod Bethune Fine Arts Center at Bethune-Cookman College. The Congress has supported funding for the initial phase of construction of this project and if the authorization legislation is signed into law, would expect the Department to give high priority to this project.

The conferees intend that of the amount provided for the Law School Clinical Experience program $200,000 be made available for a national conference, and directs the Secretary to contract with a law school with previously demonstrated experience in conducting a national evaluation and workshop conference on the Law School Clinical Experience program.

HOWARD UNIVERSITY

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$195,570,000*

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

The conference agreement provides $195,570,000 for Howard University instead of $195,278,000 as proposed by the House and $189,135,000 as proposed by the Senate.

Amendment No. 185: Modifies language proposed by the House but stricken by the Senate earmarking $6,435,000 for construction programs at Howard University. The conference agreement deletes the provision in the House bill language which requires a 100 percent match of these funds. The conferees are agreed, however, that a 100 percent match will be required prior to the release of these funds by the Department of Education.

HIGHER EDUCATION FACILITIES LOANS

Amendment No. 186: Deletes language included by the House but stricken by the Senate which would have prohibited new loans during fiscal year 1993. This language is no longer necessary as a result of changes in the Higher Education Amendments of 1992 which repeal the authority for new loans.

The conferees are aware of efforts to build a housing and academic facility for the use of student interns in Washington, D.C. The conferees urge that every consideration be given to an application for a loan guarantee for such a project.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Amendment No. 187: Modifies citation as proposed by the Senate.

Amendment No. 188: Modifies citation as proposed by the Senate.

Amendment No. 189: Modifies citation as proposed by the Senate.

EDUCATION, RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 190: Restores citation included by the House but stricken by the Senate.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$278,184,000*

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

The conference agreement appropriates $278,184,000 for education, research, statistics and improvement activities instead of $275,013,000 as proposed by the House and $276,669,000 as proposed by the Senate.

Amendment No. 192: Earmarks $27,700,000 for research centers as proposed by the Senate instead of $25,047,000 as proposed by the House.

Amendment No. 193: Earmarks $36,451,000 for regional laboratories as proposed by the Senate instead of $34,699,000 as proposed by the House. The conferees agree that the funds provided will be used to continue the regional education network program as included in the Senate report.

Amendment No. 194: Earmarks $10,400,000 of regional laboratories funds for rural initiatives as proposed by the Senate instead of $9,900,000 as proposed by the House.

In addition to the specific allocations for educational research specified in the law, the conferees are agreed that $1,000,000 of these funds shall be used to continue educational reform activities begun with fiscal year 1991 funds.

Amendment No. 195: Earmarks $49,300,000 for education statistics instead of $62,964,000 as proposed by the House and $38,707,000 as proposed by the Senate.

Amendment No. 196: Earmarks $29,601,000 for national assessment activities as proposed by the House instead of $29,900,000 as proposed by the Senate.

Amendment No. 197: Earmarks $28,281,000 for activities under the Fund for Innovation in Education instead of $23,562,000 as proposed by the House and $33,000,000 as proposed by the Senate.

The conferees have agreed to the following distribution of funds under the FIE program as described in the House and Senate reports:

Model audio visual materials development	$1,000,000
Safe refuge schools	1,000,000
Teacher academies	300,000
Children's literacy television programming	1,500,000
Rural fiber optics demonstration	251,000
School health	4,455,000
Computer instruction	4,200,000
Violence and bigotry in schools curriculum development	500,000

Amendment No. 198: Earmarks $4,381,000 of funds appropriated for the Fund for Innovation in Education for civic education activities instead of $3,762,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 199: Deletes without prejudice Senate language which would have earmarked $2,000,000 of funds under the Fund for Innovation in Education for a grant to the Children's Television Workshop for the se-

ries "Ghostwriter". The conferees are agreed that $1,500,000 should be available for development of innovative television programs to teach literacy skills to children to be awarded competitively as discussed under amendment number 197. The conferees expect this award to follow the requirements of the authorizing legislation with respect to this activity.

Amendment No. 200: Earmarks $14,700,000 for national diffusion activities instead of $14,553,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 201: Earmarks $16,000,000 for national math-science education programs instead of $15,840,000 as proposed by the House and $16,250,000 as proposed by the Senate.

Amendment No. 202: Earmarks $3,500,000 of funds appropriated for national programs for the National Clearinghouse for Science and Mathematics instead of $3,465,000 as proposed by the House and $3,750,000 as proposed by the Senate.

Amendment No. 203: Earmarks $13,700,000 for regional consortia instead of $11,880,000 as proposed by the House and $14,000,000 as proposed by the Senate.

Amendment No. 204: Earmarks $9,684,000 for Javits gifted and talented students education instead of $9,635,000 as proposed by the House and $9,732,000 as proposed by the Senate.

Amendment No. 205: Earmarks $23,000,000 for star schools instead of $18,228,000 as proposed by the House and $25,400,000 as proposed by the Senate.

The conferees recognize the great potential and resources of national public and private broadcasting systems and the scientific and technical expertise that the national energy labs can bring to the star schools program. The Department of Education is urged, therefore, to give its highest priority in the fiscal year 1993 award cycle to a telecommunications partnership that links these invaluable resources.

Amendment No. 206: Deletes the word "and" proposed by the Senate.

Amendment No. 207: Earmarks $3,238,000 for the National Writing Project instead of $2,475,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 208: Appropriates $4,831,000 for teaching standards activities as proposed by the House instead of $4,880,000 as proposed by the Senate.

National Center for Education Statistics.—The conferees have appropriated sufficient funds to carry out the interagency agreement between the National Center for Education Statistics and the National Science Foundation to provide additional questions and an appropriate sample size as part of the existing Panel Survey on Income Dynamics on the educational processes and other developmental behavior of Hispanic, Black, and non-Hispanic white children.

LIBRARIES

Amendment No. 209: Appropriates $147,247,000 for libraries as proposed by the Senate instead of $145,774,000 as proposed by the House.

Amendment No. 210: Earmarks $16,718,000 for construction activities as proposed by the Senate instead of $16,551,000 as proposed by the House.

Amendment No. 211: Earmarks $5,000,000 for library training programs as proposed by the Senate instead of $4,950,000 as proposed by the House.

Amendment No. 212: $2,825,000 for research and demonstrations under section 223 as proposed by the Senate instead of $322,000 as proposed by the House.

Amendment No. 213: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *, of which $2,500,000 shall be for demonstration of online and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively*

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

The conference agreement modifies language proposed by the Senate which sets aside $2,500,000 of library demonstration funds for a Statewide fiber optics library bibliography system. The conference agreement includes $2,500,000 for this purpose to be awarded competitively.

DEPARTMENTAL MANAGEMENT

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert: *together with an additional $2,000,000 which shall be available for the expenses of non-Federal experts to review applications and proposals for competitive awards made by the Department*

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

The conference agreement modifies language included by the House but stricken by the Senate which would have funded the cost of the Department of Education peer review system through transfers from other accounts. The conferees have instead agreed to provide an additional $2,000,000 in this appropriation account for this purpose. This language does not place any specific limit on these costs.

Amendment No. 215: Appropriates $29,500,000 for the Office of the Inspector General instead of $28,652,000 as proposed by the House and $31,700,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 216: Reported in technical disagreement. The mangers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment inserts language which permits funds appropriated in fiscal year 1991 for the National Council on Educational Goals to be used during fiscal year 1993 if the Council is authorized. The House bill included no similar provision.

Amendment No. 217: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 307. ANNUAL LOAN LIMITS.

(a) AMENDMENT.—Section 468 of the Higher Education Amendments of 1992 is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting "; and"; and

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

"(5) the changes in section 464(a)(2) (A), (B) and (C) shall not apply to any loan made for the award year beginning July 1, 1992 provided that the loan does not result in a violation of sections 464(a)(2) (A), (B) and (C) as in effect prior to such date of enactment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on July 23, 1992.

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

The conference agreement modifies language included by the Senate correcting a technical problem in the Higher Education Amendments of 1992 related to loan maximums under the Carl D. Perkins Student Loan program. The modification clarifies that the correction applies to both graduate and undergraduate borrowers. The House bill included no similar provision.

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes a technical correction in the Higher Education Amendments of 1992 which inadvertently eliminated certain schools with "candidacy" accreditation from Federal student aid programs. The Senate language restores Federal aid for students at these schools. The House bill included no similar provision.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 219: Appropriates $203,152,000 for operating expenses instead of $201,502,000 as proposed by the House and $204,875,000 as proposed by the Senate. Due to the poor financial condition of some projects which cannot support an increase in the Older American volunteer stipend for non-Action funded volunteers, the conferees have agreed to postpone the proposed five cents per hour stipend increase and direct Action to continue the current level of stipend assistance for all non-Action funded volunteers. This deferral will ensure that non-Action funded volunteers will not be terminated due to insufficient project funding.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 220: Appropriates $295,000,000 for fiscal year 1995 for the Corporation for Public Broadcasting instead of $272,250,000 as proposed by the House and $310,000,000 as proposed by the senate.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Amendment No. 221: Appropriates $1,750,000 for the National Commission on Acquired Immune Deficiency Syndrome instead of $1,732,000 as proposed by the House and $2,542,000 as proposed by the Senate. This appropriation will provide final funding for the Commission which is expected to terminate by September 30, 1993.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Amendment No. 222: Appropriates $896,000 for National Commission on Libraries and Information Science instead of $590,000 as proposed by the House and $982,000 as proposed by the Senate.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR POSTSECONDARY EDUCATION

Amendment No. 223: Appropriates $208,000 for the National Commission on Responsibilities for Postsecondary Education as proposed by the House. These funds shall remain available until April 30, 1993, at which time the Commission is to terminate. The Senate did not include funding for the Commission.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

Amendment No. 224: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $450,000 to remain available until expended for the National Commission to Prevent Infant Mortality. The House did not include funding for the Commission.

NATIONAL COUNCIL ON DISABILITY

Amendment No. 225: Appropriates $1,553,000 for the National Council on Disability as proposed by the House instead of $1,768,000 as proposed by the Senate.

RAILROAD RETIREMENT BOARD

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 226: Appropriates $6,900,000 for the Inspector General as proposed by the Senate instead of $5,544,000 as proposed by the House.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

Amendment No. 227: Appropriates $42,457,000 for the operation and maintenance of the Soldier's and Airmen's Home as proposed by the Senate instead of $40,938,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 228: Appropriates $6,000,000 for capital improvements of the Soldiers' and Airmen's Home as proposed by the Senate instead of $4,178,000 as proposed by the House.

UNITED STATES INSTITUTE OF PEACE

Amendment No. 229: Appropriates $11,000,000 for the Institute of Peace as proposed by the Senate instead of $10,890,000 as proposed by the House. The conferees direct the Institute to limit its printing and reproduction cost so that it does not exceed the actual rate of increase from fiscal year 1992 to fiscal year 1993.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

Amendment No. 230: Appropriates $10,862,000 for the operation and maintenance of the Naval Home as proposed by the Senate instead of $9,954,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 231: Appropriates $477,000 for capital improvements of the Naval Home as proposed by the Senate instead of $472,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 232: Deletes language proposed by the House concerning the distribution of sterile needles. This matter is addressed under amendment number 238.

Amendment No. 233: Deletes language proposed by the House that would have limited expenditures for travel in each account to not more than 96 percent of the amount requested for that purpose in the President's budget.

Amendment No. 234: Deletes language proposed by the House that would have prohibited the Occupational Safety and Health Administration from implementing its regulations requiring mandatory seat belt use, mandatory motorcycle helmet use, and mandatory employer safety awareness programs.

The conferees are aware of strong concerns about the proposed regulation issued by OSHA regarding driver safety. The conferees are agreed that, before issuing any final rule on motor vehicle safety, OSHA shall reconsider whether mandatory seat belt use or driver awareness training is necessary for all occupational vehicle use, particularly passenger cars, and whether mandatory motorcycle helmet use is necessary. In addition, OSHA shall reexamine whether mandated driver awareness training programs for employees reduce motor vehicle injuries or fatalities, and whether employers should be penalized for an employee's failure to conform to vehicular safety regulations. Therefore, the conferees direct OSHA to review the proposed regulation and to reconsider the impact that employee driver training requirements will have on employers, and particularly on small businesses. Furthermore, the conferees are concerned that the proposed regulation regarding seat belt and helmet use appears to indicate that employers could be sanctioned if their employees fail to use helmets or seat belts even when the employer has made a good faith effort to promote on-the-job seat belt and helmet use. The conferees believe that such a punitive approach would create impossible demands on employers and unfairly punish those who are attempting to voluntarily provide for vehicular safety. The conferees direct OSHA, in the final regulation, to ensure that employers are not unfairly punished for the actions of their employees.

Amendment No. 235: Deletes language proposed by the Senate that would have prohibited the Department of Labor from implementing certain regulations with respect to the coverage of certain truck drivers under the Davis-Bacon Act.

The conferees are agreed that, before issuing any final rule on Midway Excavator regulations, the Labor Department should consider limiting those regulations to issues specifically mandated by the courts.

Amendment No. 236: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 511. Notwithstanding any other provision of this Act, funds appropriated or otherwise made available which are not mandated by law for programs, projects or activities funded by this Act shall be reduced by .8 per centum.

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

The conference agreement includes an across-the-board reduction of .8 percent for all discretionary programs, projects and activities in the bill. The agreement deletes language proposed by the Senate that would have reduced funds available for salaries and expenses of the three Cabinet Departments funded in the bill by $135,360,000.

Amendment No. 237: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 512. (a) Beginning in fiscal year 1994, and in each fiscal year thereafter, the Office of Management and Budget shall establish the funding for consulting services for each department and agency as a separate object class in each budget annually submitted to the Congress under section 1105 or title 31, United States Code.

(b) For purposes of this section, consulting services include—

(1) management and professional support services;

(2) studies, analyses, and evaluations;

(3) engineering and technical services (excluding routine engineering services such as automated data processing and architect and engineering contracts); and

(4) research and development.

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

Amendment No. 238: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *514*

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

The conference agreement inserts language proposed by the Senate which provides that no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles for the injection of any illegal drug unless the Surgeon General determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that funds may be used for such purposes for demonstrations and studies authorized in the ADAMHA Reorganization Act.

Amendment No. 239: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

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

SEC. 515. Funds appropriated in Public Law 102–170 for the National Commission on Children shall remain available until expended.

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

Amendment No. 240: Deletes language proposed by the Senate that would have prohibited the Department of Health and Human Services from implementing the Nutrition Labeling and Education Act with respect to certain dietary supplements or from promulgating any regulation that requires the use of, or based upon, recommended daily intakes of vitamins or minerals.

The conferees are concerned about numerous complaints received that implementation of the Nutrition Labeling and Education Act will restrict access to dietary supplements. Consumers are entitled to accurate, truthful, non-misleading and uniform information about the nutritional content and appropriate use of dietary supplements. The conferees believe that the Department of Health and Human Services should take steps to ensure that the regulations provide appropriate information so that these products promote good health and that individuals continue to have access to them.

Amendment No. 241: Deletes language proposed by the Senate that would prohibit Federal funding for grantees who do not have a nonsmoking policy and who provide services to children under the age of five.

Amendment No. 242: Deletes language proposed by the Senate which would have prohibited the use of funds in this Act or any other Act to pay for homosexual educational, counseling or support services in schools or to promote or encourage drug abuse or sexual activities in schools.

DEFINITION OF PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1993, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as

amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Labor, Health and Human Services, and Education and Related Agencies Subcommittees. The term "program, project, and activity", shall include the most specific level of budget items identified in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1993, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the committee of conference.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE I - DEPARTMENT OF LABOR							
EMPLOYMENT AND TRAINING ADMINISTRATION							
PROGRAM ADMINISTRATION							
Job training programs	21,110,000	23,087,000	23,087,000	23,087,000	23,087,000	22,902,000	D
Trust funds	(2,123,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,192,000)	TF*
Employment security	442,000	461,000	461,000	461,000	461,000	457,000	D
Trust funds	(13,279,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,624,000)	TF*
Financial and administrative management	13,707,000	15,470,000	15,470,000	15,470,000	15,470,000	15,346,000	D
Trust funds	(10,421,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,784,000)	TF*
Executive direction and administration	4,625,000	4,864,000	4,864,000	4,864,000	4,864,000	4,825,000	D
Trust funds	(4,036,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,240,000)	TF*
Regional operations	16,132,000	16,523,000	16,523,000	16,523,000	16,523,000	16,391,000	D
Trust funds	(25,775,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,257,000)	TF*
Apprenticeship services	16,649,000	17,324,000	17,324,000	17,012,000	17,012,000	16,876,000	D
Undistributed	---	---	-777,000	-1,190,000	-1,190,000	-1,180,000	D
Undistributed, trust funds	---	---	(-3,488,000)	(-781,000)	(-2,763,000)	(-2,741,000)	TF*
Total, Program Administration	128,299,000	136,295,000	132,030,000	134,012,000	132,030,000	130,973,000	
Federal funds	72,665,000	77,729,000	76,952,000	76,227,000	76,227,000	75,617,000	
Trust funds	(55,634,000)	(58,566,000)	(55,078,000)	(57,785,000)	(55,803,000)	(55,356,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TRAINING AND EMPLOYMENT SERVICES							
Grants to States:							
Block grant	1,773,484,000	1,771,550,000	1,755,749,000	---	---	---	D
Adult training	---	---	---	1,053,449,000	1,053,449,000	1,045,021,000	D
Youth training	---	---	---	702,300,000	702,300,000	696,682,000	D
Summer youth employment and training program	495,212,000	495,212,000	676,083,000	590,507,000	676,083,000	670,674,000	D
Advance appropriation, 10/1	187,700,000	187,700,000	---	187,480,000	---	---	D
Dislocated worker assistance	576,986,000	542,986,000	571,216,000	571,216,000	571,216,000	566,646,000	D
Reappropriation	---	34,000,000	---	---	---	---	D
Federally administered programs:							
Native Americans	63,000,000	58,461,000	62,370,000	62,370,000	62,370,000	61,871,000	D
Migrants and seasonal farmworkers	77,644,000	56,690,000	76,868,000	81,000,000	78,934,000	78,303,000	D
Job Corps:							
Operations	846,533,000	900,803,000	898,722,000	898,722,000	898,722,000	891,532,000	D
Construction and renovation	73,000,000	---	90,288,000	60,000,000	75,144,000	74,543,000	D
Reappropriation	35,568,000	8,700,000	---	---	---	---	D
Subtotal, Job Corps	955,101,000	909,503,000	989,010,000	958,722,000	973,866,000	966,075,000	
Veterans' employment	9,120,000	8,863,000	9,029,000	9,029,000	9,029,000	8,957,000	D
National activities:							
Pilots and demonstrations	35,753,000	35,753,000	35,395,000	35,395,000	35,395,000	35,112,000	D
Research, demonstration and evaluation	10,000,000	10,000,000	9,900,000	9,900,000	8,400,000	8,333,000	D
Other	23,606,000	7,500,000	15,246,000	21,203,000	20,686,000	20,521,000	D
Subtotal, National activities	69,359,000	53,253,000	60,541,000	66,498,000	64,481,000	63,966,000	
Subtotal, Federal activities	1,174,224,000	1,086,770,000	1,197,818,000	1,177,619,000	1,188,680,000	1,179,172,000	
Total, Job Training Partnership Act	4,207,606,000	4,118,218,000	4,200,866,000	4,282,571,000	4,191,728,000	4,158,195,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Job training for the homeless	9,312,000	17,000,000	12,870,000	12,638,000	12,638,000	12,537,000	D
National literacy act	---	1,247,000	---	---	---	---	D
Glass Ceiling Commission	---	---	---	---	750,000	744,000	D
National Center for the Workplace	---	---	---	---	750,000	744,000	D
Total, Training and Employment Services	4,216,918,000	4,136,465,000	4,213,736,000	4,295,209,000	4,205,866,000	4,172,220,000	
Current year	(4,029,218,000)	(3,948,765,000)	(4,213,736,000)	(4,107,729,000)	(4,205,866,000)	(4,172,220,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS							
National contracts	308,241,000	267,395,000	305,159,000	308,241,000	306,700,000	304,246,000	D
State grants	86,940,000	75,419,000	86,071,000	86,940,000	86,506,000	85,814,000	D
Total	395,181,000	342,814,000	391,230,000	395,181,000	393,206,000	390,060,000	
FEDERAL UNEMPLOYMENT AND ALLOWANCES 1/							
Trade adjustment	226,000,000	211,000,000	211,000,000	211,000,000	211,000,000	211,000,000	M
Other activities	250,000	250,000	250,000	250,000	250,000	250,000	M
Total	226,250,000	211,250,000	211,250,000	211,250,000	211,250,000	211,250,000	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS							
Unemployment Compensation (Trust Funds):							
State Operations	(1,510,973,000)	(1,657,926,000)	(1,654,639,000)	(1,642,926,000)	(1,642,926,000)	(1,629,783,000)	TF*
State integrity activities	(290,723,000)	(346,756,000)	(329,996,000)	(329,996,000)	(329,996,000)	(327,356,000)	TF*
National Activities	(6,486,000)	(8,900,000)	(8,811,000)	(8,900,000)	(8,811,000)	(8,741,000)	TF*
Contingency	(440,703,000)	(302,331,000)	(338,908,000)	(302,331,000)	(302,331,000)	(299,912,000)	TF*
Contingency bill language (OMB estimate)	(227,400,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	NA
Subtotal, Unemployment Compensation(trust funds)	(2,248,885,000)	(2,315,913,000)	(2,332,354,000)	(2,284,153,000)	(2,284,064,000)	(2,265,792,000)	

1/ FY93 request includes $168,700,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Employment Service:							
Allotments to States:							
Federal funds	21,838,000	24,648,000	21,620,000	21,838,000	21,729,000	21,55	D
Trust funds	(799,770,000)	(796,960,000)	(791,772,000)	(799,770,000)	(795,771,000)	(789,405,000)	TF*
Subtotal	821,608,000	821,608,000	813,392,000	821,608,000	817,500,000	810,960,000	
National Activities:							
Federal funds	2,200,000	2,038,000	2,018,000	2,018,000	2,018,000	2,002,000	D
Trust funds	(79,938,000)	(67,972,000)	(67,292,000)	(67,292,000)	(67,292,000)	(66,754,000)	TF*
Targeted jobs tax credit	(20,000,000)	---	---	(15,000,000)	(15,000,000)	(14,880,000)	TF*
Subtotal, Employment Service	923,746,000	891,618,000	882,702,000	905,918,000	901,810,000	894,596,000	
Federal funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust funds	(899,708,000)	(864,932,000)	(859,064,000)	(882,062,000)	(878,063,000)	(871,039,000)	
Total, State Unemployment 1/	3,172,631,000	3,207,531,000	3,215,056,000	3,190,071,000	3,185,874,000	3,160,388,000	
Federal Funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust Funds	(3,148,593,000)	(3,180,845,000)	(3,191,418,000)	(3,166,215,000)	(3,162,127,000)	(3,136,831,000)	
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	236,990,000	665,000,000	665,000,000	665,000,000	665,000,000	665,000,000	M
Total, Employment & Training Administration	8,376,269,000	8,699,355,000	8,828,302,000	8,890,723,000	8,793,226,000	8,729,891,000	
Federal funds	5,172,042,000	5,459,944,000	5,581,806,000	5,666,723,000	5,575,296,000	5,537,704,000	
Current year	(4,984,342,000)	(5,272,244,000)	(5,581,806,000)	(5,479,243,000)	(5,575,296,000)	(5,537,704,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,204,227,000)	(3,239,411,000)	(3,246,496,000)	(3,224,000,000)	(3,217,930,000)	(3,192,187,000)	

1/ Includes Federal, Trust and advance Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LABOR - MANAGEMENT STANDARDS							
SALARIES AND EXPENSES							
Labor-management relations service	5,415,000	---	---	2,700,000	1,350,000	1,339,000	D
Labor-management standards enforcement	25,997,000	26,485,000	26,220,000	26,220,000	26,220,000	26,010,000	D
Total, LMS	31,412,000	26,485,000	26,220,000	28,920,000	27,570,000	27,349 (	
PENSION AND WELFARE BENEFITS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement and compliance	47,561,000	51,117,000	51,117,000	51,117,000	51,117,000	50,708,000	D
Policy, regulation and public service	10,976,000	11,779,000	11,779,000	11,779,000	11,779,000	11,685,000	D
Executive direction	3,473,000	3,792,000	3,792,000	3,792,000	3,792,000	3,762,000	D
Undistributed	---	---	-2,932,000	-2,637,000	-2,332,000	-2,313,000	D
Total, PWBA	62,010,000	66,688,000	63,756,000	64,051,000	64,356,000	63,842,000	
PENSION BENEFIT GUARANTY CORPORATION							
Program Administration subject to limitation (Trust Funds)	(38,487,000)	(35,209,000)	(34,857,000)	(33,857,000)	(33,857,000)	(33,586,000)	TF
Services related to terminations not subject to limitations (non-add)	(64,929,000)	(70,508,000)	(70,508,000)	(71,508,000)	(71,508,000)	(71,508,000)	NA
Total, PBGC	(103,416,000)	(105,717,000)	(105,365,000)	(105,365,000)	(105,365,000)	(105,094,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement of wage and hour standards	94,418,000	99,053,000	99,053,000	99,053,000	99,053,000	98,261,000	D
Federal contractor EEO standards enforcement	54,655,000	58,114,000	58,114,000	58,114,000	58,114,000	57,649,000	D
Federal programs for workers' compensation	66,467,000	73,367,000	73,367,000	73,367,000	73,367,000	72,780,000	D
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	TF
Executive direction and support services	11,139,000	11,961,000	11,961,000	11,961,000	11,961,000	11,865,000	D
Undistributed	---	---	-10,163,000	-3,613,000	-8,163,000	-8,098,000	D
Total, salaries and expenses	227,688,000	243,551,000	233,331,000	239,881,000	235,331,000	233,448 [illegible]	
Federal funds	226,679,000	242,495,000	232,332,000	238,882,000	234,332,000	232,45[illegible]	
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
SPECIAL BENEFITS							
Federal employees compensation benefits	188,000,000	286,000,000	286,000,000	286,000,000	286,000,000	286,000,000	M
Longshore and harbor workers' benefits	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	M
Total, Special Benefits	192,000,000	290,000,000	290,000,000	290,000,000	290,000,000	290,000,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
BLACK LUNG DISABILITY TRUST FUND							
Benefit payments and interest on advances	861,135,000	888,251,000	888,251,000	888,251,000	888,251,000	888,251,000	M
Employment Standards Admin., salaries & expenses	30,145,000	28,726,000	29,726,000	29,726,000	29,726,000	29,726,000	M
Departmental Management, salaries and expenses	25,579,000	25,698,000	25,698,000	25,698,000	25,698,000	25,698,000	M
Departmental Management, inspector general	333,000	352,000	352,000	352,000	352,000	352,000	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	917,192,000	943,027,000	944,027,000	944,027,000	944,027,000	944,027,000	
Treasury administrative costs (indefinite)	756,000	756,000	756,000	756,000	756,000	756,000	M
Total, Black Lung Disability Trust Fund	917,948,000	943,783,000	944,783,000	944,783,000	944,783,000	944,783,000	
Total, Employment Standards Administration	1,337,636,000	1,477,334,000	1,468,114,000	1,474,664,000	1,470,114,000	1,468,231,000	
Federal funds	1,336,627,000	1,476,278,000	1,467,115,000	1,473,665,000	1,469,115,000	1,467,240,000	
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Safety and health standards	7,836,000	8,214,000	8,214,000	8,214,000	8,214,000	8,148,000	D
Enforcement:							
Federal Enforcement	130,975,000	137,628,000	137,628,000	137,628,000	137,628,000	136,527,000	D
State programs	65,010,000	68,927,000	68,927,000	68,927,000	68,927,000	68,376,000	D
Technical Support	17,426,000	18,105,000	18,105,000	18,105,000	18,105,000	17,960,000	D
Compliance Assistance	38,870,000	40,819,000	40,819,000	42,584,000	42,584,000	42,243,000	D
Safety and health statistics	12,760,000	12,998,000	12,998,000	12,998,000	12,998,000	12,894,000	D
Executive direction and administration	6,909,000	7,234,000	7,234,000	7,234,000	7,234,000	7,176,000	D
Undistributed	---	---	-6,825,000	-1,000,000	-4,795,000	-4,757,000	D
Total, OSHA	279,786,000	293,925,000	287,100,000	294,690,000	290,895,000	288,567,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement:							
Coal	93,542,000	103,711,000	103,711,000	103,711,000	103,711,000	102,881,000	D
Metal/nonmetal	37,129,000	39,761,000	39,761,000	39,761,000	39,761,000	39,443,000	D
Standards development	1,384,000	1,475,000	1,475,000	1,475,000	1,475,000	1,463,000	D
Assessments	2,455,000	2,517,000	2,517,000	2,517,000	2,517,000	2,497,000	D
Educational policy and development	13,467,000	8,652,000	13,467,000	13,467,000	13,467,000	13,359,000	D
Technical support	21,251,000	21,858,000	21,858,000	21,858,000	21,858,000	21,683,000	D
Program administration	12,808,000	13,075,000	13,075,000	13,075,000	13,075,000	12,970,000	D
Undistributed	---	---	-3,934,000	-2,820,000	-2,820,000	-2,797,000	D
Total, Mine Safety and Health Administration	182,036,000	191,049,000	191,930,000	193,044,000	193,044,000	191,499,000	
BUREAU OF LABOR STATISTICS							
SALARIES AND EXPENSES							
Employment and Unemployment Statistics	82,419,000	87,377,000	87,377,000	87,377,000	87,377,000	86,678,000	D
Labor Market Information (Trust Funds)	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	TF*
Prices and cost of living	84,029,000	90,591,000	90,591,000	90,591,000	90,591,000	89,866,000	D
Compensation and working conditions	60,650,000	66,324,000	66,324,000	66,324,000	66,324,000	65,79[illegible]	D
Productivity and technology	6,316,000	6,809,000	6,809,000	6,809,000	6,809,000	6,7[illegible],000	D
Economic growth and employment projections	3,844,000	4,115,000	4,115,000	4,115,000	4,115,000	4,082,000	D
Executive direction and staff services	30,839,000	27,099,000	27,099,000	27,099,000	27,099,000	26,882,000	D
Undistributed	---	---	-6,105,000	-3,601,000	-5,105,000	-5,064,000	D
Total, Bureau of Labor Statistics	317,896,000	333,854,000	325,511,000	328,015,000	326,511,000	323,899,000	
Federal Funds	268,097,000	282,315,000	276,210,000	278,714,000	277,210,000	274,992,000	
Trust Funds	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
DEPARTMENTAL MANAGEMENT							
SALARIES AND EXPENSES							
Executive direction	21,972,000	29,797,000	21,419,000	21,419,000	21,419,000	21,248,000	D
Legal services	57,715,000	60,172,000	60,172,000	60,172,000	60,172,000	59,691,000	D
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	TF*
International labor affairs	7,138,000	7,855,000	7,855,000	7,855,000	7,855,000	7,792,000	D
Administration and management	15,166,000	15,503,000	15,503,000	15,503,000	15,503,000	15,379,000	D
Adjudication	16,147,000	17,118,000	17,118,000	17,118,000	17,118,000	16,981,000	D
Promoting employment of the disabled	4,321,000	4,238,000	4,238,000	4,653,000	4,438,000	4,402,000	D
Women's Bureau	7,940,000	7,565,000	7,565,000	8,215,000	8,050,000	7,986,000	D
Civil Rights Activities	4,534,000	5,064,000	5,064,000	5,064,000	5,064,000	5,023,000	D
Chief Financial Officer	5,805,000	6,884,000	6,884,000	6,884,000	6,884,000	6,829,000	D
Undistributed	---	---	-2,527,000	-500,000	-2,527,000	-2,507,000	D
Total, Salaries and expenses	141,070,000	154,532,000	143,620,000	146,712,000	144,305,000	143,150,000	
Federal funds	140,738,000	154,196,000	143,291,000	146,383,000	143,976,000	142,824,000	
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	
VETERANS EMPLOYMENT AND TRAINING							
State Administration:							
Disabled Veterans Outreach Program	(77,901,000)	(77,901,000)	(82,665,000)	(82,665,000)	(82,665,000)	(82,004,000)	TF*
Local Veterans Employment Program	(71,924,000)	(71,924,000)	(76,725,000)	(76,725,000)	(76,725,000)	(76,111,000)	TF*
Subtotal, State Administration	(149,825,000)	(149,825,000)	(159,390,000)	(159,390,000)	(159,390,000)	(158,115,[illegible])	
Federal Administration	(19,651,000)	(21,027,000)	(25,047,000)	(20,481,000)	(21,481,000)	(21,3[illegible]00)	TF*
National Veterans Training Institute	(2,440,000)	---	(2,871,000)	(2,871,000)	(2,871,000)	(2,848,000)	TF*
Total, Trust Funds	(171,916,000)	(170,852,000)	(187,308,000)	(182,742,000)	(183,742,000)	(182,272,000)	

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CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE INSPECTOR GENERAL							
Audit:							
Federal funds	20,149,000	21,349,000	21,349,000	21,349,000	21,349,000	21,178,000	D
Trust funds	(4,023,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,176,000)	TF*
Investigation:							
Federal funds	8,015,000	8,690,000	8,690,000	8,690,000	8,690,000	8,620,000	D
Trust funds	(334,000)	(354,000)	(354,000)	(354,000)	(354,000)	(351,000)	TF*
Office of Labor Racketeering	11,057,000	11,995,000	11,995,000	11,995,000	11,995,000	11,899,000	D
Executive Direction and Management	6,080,000	6,700,000	6,700,000	6,700,000	6,700,000	6,646,000	D
Undistributed	---	---	-1,907,000	---	-954,000	-946,000	D
Undistributed, trust funds	---	---	(-251,000)	---	(-126,000)	(-125,000)	TF*
Total, Office of the Inspector General	49,658,000	53,298,000	51,140,000	53,298,000	52,218,000	51,799,000	
Federal funds	45,301,000	48,734,000	46,827,000	48,734,000	47,780,000	47,397,000	
Trust funds	(4,357,000)	(4,564,000)	(4,313,000)	(4,564,000)	(4,438,000)	(4,402,000)	
Total, Departmental Management	362,644,000	378,682,000	382,068,000	382,752,000	380,265,000	377,221,000	
Federal funds	186,039,000	202,930,000	190,118,000	195,117,000	191,756,000	190,221,000	
Trust funds	(176,605,000)	(175,752,000)	(191,950,000)	(187,635,000)	(188,509,000)	(187,000,000)	
Labor attrition	---	---	---	-15,000,000	---	---	D
Total, Labor Department 1/	10,988,176,000	11,502,581,000	11,607,858,000	11,675,716,000	11,579,838,000	11,504,085,000	
Federal funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	

1/ Includes Federal and Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES								
HEALTH RESOURCES AND SERVICES ADMINISTRATION								
HEALTH RESOURCES AND SERVICES								
Health Care Delivery and Assistance:								
Community health centers	532,835,000	615,754,000	527,507,000	543,492,000	563,492,000	558,984,000	D	
1% evaluation funding tap (non-add)	---	---	---	(40,000,000)	---	---	NA	
Subtotal	(532,835,000)	(615,754,000)	(527,507,000)	(583,492,000)	(563,492,000)	(558,984,000)		
Migrant health centers	57,362,000	62,647,000	56,788,000	58,785,000	57,787,000	57,325,000	D	
Black lung clinics	4,000,000	4,000,000	3,960,000	4,000,000	4,000,000	3,968,000	D	
Health care for the homeless	55,792,000	67,683,000	55,234,000	61,792,000	58,500,000	58,032,000	D	
National Health Service Corps:								
Field placements	41,456,000	54,588,000	43,065,000	43,065,000	43,065,000	42,720,000	D	
Loans and scholarships	58,733,000	65,053,000	58,146,000	76,576,000	76,576,000	75,963,000	D	
Subtotal, Natl Health Service Corps	100,189,000	119,641,000	101,211,000	119,641,000	119,641,000	118,683,000		
Grants to communities for scholarships	487,000	487,000	482,000	482,000	482,000	478,000	D	
Public housing health service grants	6,089,000	9,089,000	8,998,000	6,028,000	8,998,000	8,926,000	D	
Ready to learn program	---	6,000,000	---	---	---	---	D	
Hansen's disease services	19,489,000	18,963,000	18,773,000	18,963,000	18,773,000	18,623,000	D	
Payment to Hawaii, treatment of Hansen's Disease	3,000,000	3,000,000	2,970,000	3,000,000	3,000,000	2,976,000	D	
Native Hawaiian health care	3,596,000	---	3,560,000	3,677,000	3,619,000	3,590,000	D	UA
Pacific Basin initiative	2,547,000	---	2,522,000	2,638,000	2,580,000	2,559,000	D	
Home health demonstration grants	2,872,000	---	2,843,000	---	---	---	D	
Alzheimers demonstration grants	3,996,000	---	3,956,000	5,000,000	5,000,000	4,960,000	D	
Trauma care	4,449,000	---	4,405,000	4,405,000	4,405,000	4,370,000	D	
Total, Health Care Delivery & Assistance	796,703,000	907,264,000	793,209,000	831,903,000	850,277,000	843,474,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Maternal and child health:								
Maternal & child health block grant	645,953,000	669,802,000	639,493,000	670,000,000	670,000,000	664,640,000	D	
Healthy start	61,446,000	140,142,000	60,832,000	98,675,000	80,000,000	79,360,000	D	
Pediatric emergency care	4,874,000	---	4,825,000	4,874,000	4,850,000	4,811,000	D	UA
Total, Maternal and child health	712,273,000	809,944,000	705,150,000	773,549,000	754,850,000	748,811,000		
Health Professions:								
Exceptional need scholarships	9,748,000	11,429,000	11,315,000	9,748,000	10,532,000	10,448,000	D	UA
Centers of excellence	23,945,000	23,943,000	23,706,000	23,706,000	23,706,000	23,516,000	D	
Disadvantaged assistance	30,629,000	37,379,000	37,005,000	30,629,000	31,500,000	31,248,000	D	UA
HPSL recapitalization	14,907,000	---	11,068,000	---	8,000,000	7,936,000	D	
Minority scholarships	17,438,000	17,415,000	17,264,000	17,264,000	17,264,000	17,126,000	D	
Faculty loan repayment	976,000	1,073,000	1,062,000	---	1,062,000	1,054,000	D	
Public health special projects	4,271,000	---	3,171,000	4,271,000	3,171,000	3,146,000	D	UA
Health administration grants	1,549,000	---	1,150,000	1,549,000	1,150,000	1,141,000	D	UA
Public health traineeships	3,412,000	---	2,533,000	3,412,000	2,533,000	2,513,000	D	UA
Health administration traineeships	482,000	---	358,000	482,000	358,000	355,000	D	UA
Preventive medicine residencies	1,631,000	---	1,211,000	1,631,000	1,631,000	1,618,000	D	UA
Family medicine residencies	35,805,000	---	26,585,000	35,805,000	33,000,000	32,736,000	D	UA
General dentistry residencies	3,803,000	---	3,765,000	3,765,000	3,765,000	3,735,000	D	UA
General internal medicine and pediatrics	17,179,000	---	17,007,000	16,000,000	17,007,000	16,871,000	D	UA
Family medicine departments	6,793,000	---	5,044,000	5,558,000	5,558,000	5,514,000	D	UA
Physician assistants	4,964,000	---	3,686,000	4,964,000	4,964,000	4,924,000	D	UA
Allied health	2,754,000	---	2,045,000	3,500,000	3,500,000	3,472,000	D	UA
Area health education centers	19,041,000	---	14,138,000	21,452,000	20,000,000	19,840,000	D	UA

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Health education and training centers	3,856,000	---	2,863,000	3,856,000	2,863,000	2,840,000	D	UA
Geriatric training and research	13,614,000	---	10,108,000	13,614,000	10,108,000	10,027,000	D	UA
Interdisciplinary traineeships	4,654,000	---	3,455,000	4,654,000	4,055,000	4,023,000	D	UA
Health professions data analysis	1,746,000	---	1,297,000	---	649,000	644,000	D	UA
Health professions spec ed initiatives	2,362,000	---	1,754,000	1,754,000	1,754,000	1,740,000	D	UA
Nurse training:								
Advanced nurse education	12,370,000	---	9,185,000	12,400,000	12,370,000	12,271,000	D	UA
Nurse practitioners / nurse midwives	14,556,000	---	10,808,000	15,560,000	15,590,000	15,465,000	D	UA
Special projects	10,902,000	---	8,094,000	10,500,000	10,500,000	10,416,000	D	UA
Professional nurse traineeships	14,106,000	---	10,474,000	14,106,000	14,106,000	13,993,000	D	UA
Nurse disadvantaged assistance	3,375,000	4,122,000	4,081,000	3,375,000	3,728,000	3,698,000	D	UA
Nurse anesthetists	1,917,000	---	1,424,000	2,750,000	2,750,000	2,728,000	D	UA
Undergraduate scholarships	2,377,000	---	1,765,000	---	---	---	D	UA
Loan repayment for shortage area service	1,453,000	---	1,079,000	2,414,000	2,061,000	2,045,000	D	UA
Subtotal, Nurse training	61,056,000	4,122,000	46,910,000	61,105,000	61,105,000	60,616,000		
Total, Health professions	286,615,000	95,361,000	248,500,000	268,719,000	269,235,000	267,083,000		
Resources development:								
Organ transplantation	2,877,000	2,818,000	2,790,000	2,818,000	2,790,000	2,768,000	D	
Health teaching facilities interest subsidies	450,000	418,000	414,000	418,000	418,000	415,000	D	
Total, Resources Development	3,327,000	3,236,000	3,204,000	3,236,000	3,208,000	3,183,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS):								
Education and training centers	16,886,000	16,760,000	16,592,000	16,592,000	16,592,000	16,459,000	D	UA
Pediatric demonstrations	19,350,000	19,350,000	19,156,000	23,000,000	21,078,000	20,909,000	D	
Ryan White AIDS Programs:								
Emergency assistance	120,518,000	147,265,000	161,865,000	186,305,000	186,305,000	184,815,000	D	
Comprehensive care programs	106,690,000	106,690,000	116,325,000	116,325,000	116,325,000	115,394,000	D	
Early intervention program	48,859,000	48,859,000	48,370,000	48,859,000	48,370,000	47,983,000	D	
Subtotal, Ryan White AIDS programs	276,067,000	302,814,000	326,560,000	351,489,000	351,000,000	348,192,000		
Subtotal, AIDS	312,303,000	338,924,000	362,308,000	391,081,000	388,670,000	385,560,000		
Minority male grant	1,350,000	5,000,000	4,950,000	1,350,000	4,950,000	4,910,000	D	
Family planning	149,575,000	154,575,000	148,079,000	180,000,000	175,000,000	173,600,000	D	UA
Rural health research	4,115,000	3,960,000	3,920,000	4,500,000	4,210,000	4,176,000	D	
Rural outreach grants	21,175,000	---	20,963,000	27,201,000	25,000,000	24,800,000	D	
Buildings and facilities	---	1,000,000	990,000	1,000,000	990,000	982,000	D	
National practitioner data bank	5,379,000	8,000,000	6,000,000	6,000,000	6,000,000	6,000,000	D	
User fees	-5,000,000	-8,000,000	-6,000,000	-6,000,000	-6,000,000	-6,000,000	D	
Program management	121,672,000	121,270,000	125,235,000	124,222,000	125,235,000	124,233,000	D	
Rescission of delayed obligations	-625,000	---	---	---	---	---	D	
Undistributed	---	---	---	-21,295,000	---	---	D	
Total, Health resources and services	2,408,862,000	2,440,534,000	2,416,508,000	2,585,466,000	2,601,625,000	2,580,812,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final	Conference ∪.8%	Mand Disc	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program	18,600,000	16,000,000	10,900,000	10,900,000	10,900,000	10,900,000		M	UA
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
New loan subsidies	30,000,000	20,884,000	26,332,000	36,400,000	30,872,000	30,872,000		M	UA
Liquidating account (non-add)	(48,000,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)		NA	
HEAL loan limitation (non-add)	(290,000,000)	(230,000,000)	(290,000,000)	(400,000,000)	(340,000,000)	(340,000,000)		NA	UA
Program management	1,500,000	3,000,000	2,970,000	3,000,000	2,970,000	2,946,000		D	
Total, HEAL	31,500,000	23,884,000	29,302,000	39,400,000	33,842,000	33,818,000			
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post - FY88 claims (trust fund)	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000		M	
HRSA administration (trust fund)	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000		M	UA
Subtotal, Vaccine injury compensation trust fund	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000			
VACCINE INJURY COMPENSATION:									
Pre - FY89 claims (appropriation)	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000		M	
Total, Vaccine injury	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000			
Total, Health Resources and Services Administration	2,626,382,000	2,647,838,000	2,624,130,000	2,803,186,000	2,813,787,000	2,792,950,000			

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
CENTERS FOR DISEASE CONTROL								
DISEASE CONTROL, RESEARCH AND TRAINING								
Preventive Health Services Block Grant	134,512,000	134,521,000	133,167,000	150,000,000	150,000,000	148,8[illegible]	D	UA
Prevention centers	5,184,000	5,184,000	5,132,000	5,584,000	5,500,000	5,456,000	D	
Sexually transmitted diseases:								
Grants	77,525,000	77,638,000	76,750,000	83,128,000	79,000,000	78,368,000	D	UA
Direct operations	11,296,000	11,872,000	11,753,000	11,872,000	11,753,000	11,659,000	D	
Subtotal, Sexually transmitted diseases	88,821,000	89,510,000	88,503,000	95,000,000	90,753,000	90,027,000		
Immunization:								
Grants	258,822,000	289,272,000	286,379,000	290,000,000	290,190,000	287,868,000	D	
Direct operations	35,352,000	52,372,000	51,848,000	51,848,000	51,848,000	51,433,000	D	
Vaccine stockpile	---	5,000,000	4,950,000	---	---	---	D	
Adverse events reporting	2,470,000	2,470,000	2,445,000	2,445,000	2,445,000	2,425,000	D	
Subtotal, Immunization programs	296,644,000	349,114,000	345,622,000	344,293,000	344,483,000	341,726,000		
Infectious disease	40,625,000	41,518,000	41,103,000	42,600,000	41,103,000	40,774,000	D	
Tuberculosis:								
Grants	15,321,000	35,000,000	34,650,000	40,000,000	34,650,000	34,373,000	D	
Emergency grants	---	---	39,600,000	---	39,600,000	39,283,000	D	
Program operations	5,372,000	5,372,000	5,318,000	5,318,000	5,318,000	5,275,000	D	
Presidential emergency (non-add)	---	---	---	(40,000,000)	---	---	NA	
Subtotal, Tuberculosis	20,693,000	40,372,000	79,568,000	45,318,000	79,568,000	78,931,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS)	480,132,000	504,678,000	504,581,000	504,581,000	504,581,000	500,544,000	D	
Chronic & environmental disease prevention	67,744,000	66,943,000	66,510,000	71,200,000	71,200,000	70,630,000	D	
Lead poisoning prevention	21,302,000	40,000,000	21,089,000	30,000,000	30,000,000	29,760,000	D	UA
Breast and cervical cancer screening	49,961,000	69,961,000	69,300,000	73,000,000	73,000,000	72,416,000	D	
Injury control	27,377,000	27,498,000	32,175,000	34,000,000	32,175,000	31,918,000	D	
Occupational Safety and Health (NIOSH):								
Research	92,478,000	73,594,000	91,949,000	102,956,000	102,956,000	102,1[illegible]	D	
Training	10,972,000	10,972,000	10,862,000	11,500,000	11,181,000	11,092,000	D	
Subtotal, NIOSH	103,450,000	84,566,000	102,811,000	114,456,000	114,137,000	113,224,000		
Epidemic services	73,022,000	77,711,000	74,250,000	77,711,000	75,000,000	74,400,000	D	
National Center for Health Statistics:								
Program operations	48,310,000	47,591,000	51,873,000	47,440,000	49,657,000	49,260,000	D	
Program support	2,988,000	3,021,000	2,991,000	2,967,000	2,991,000	2,967,000	D	
1% evaluation funds (non-add)	(29,400,000)	(34,206,000)	(29,106,000)	(29,106,000)	(29,106,000)	(28,873,000)	NA	
Subtotal, health statistics	51,298,000	50,612,000	54,864,000	50,407,000	52,648,000	52,227,000		
Buildings and facilities	25,600,000	15,000,000	6,930,000	17,000,000	17,000,000	16,864,000	D	
Program management	2,843,000	3,497,000	3,462,000	3,462,000	3,462,000	3,434,000	D	
Rescission of delayed obligations	-670,000	---	---	---	---	---	D	
Salaries and expenses reduction	---	---	-9,900,000	---	---	---	D	
Total, Disease Control	1,488,538,000	1,600,685,000	1,619,167,000	1,658,612,000	1,684,610,000	1,671,131,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS) 1/							
National Cancer Institute	1,951,541,000	2,010,439,000	1,998,616,000	2,010,439,000	2,007,483,000	1,991,423,000	D
National Heart, Lung, and Blood Institute	1,191,500,000	1,245,396,000	1,228,455,000	1,228,455,000	1,228,455,000	1,218,627,000	D
National Institute of Dental Research	159,057,000	166,742,000	163,269,000	163,269,000	163,269,000	161,963,000	D
National Institute of Diabetes, Digestive, and Kidney Diseases	662,678,000	699,809,000	688,633,000	688,633,000	688,633,000	683,124,000	D
National Institute of Neurological Disorders and Stroke	581,847,000	615,190,000	605,100,000	607,100,000	606,600,000	601,747,000	D
National Institute of Allergy and Infectious Diseases	960,914,000	1,010,845,000	990,055,000	989,055,000	991,805,000	983,871,000	D
National Institute of General Medical Sciences	815,134,000	862,069,000	842,229,000	824,529,000	839,804,000	833,086,000	D
National Institute of Child Health and Human Development	519,724,000	545,238,000	534,094,000	534,094,000	534,094,000	529,8[illegible]	D
National Eye Institute	270,300,000	285,133,000	279,102,000	279,102,000	279,102,000	276,8[illegible]9,000	D
National Institute of Environmental Health Sciences	252,031,000	261,513,000	255,115,000	255,115,000	255,115,000	253,074,000	D
National Institute on Aging	383,611,000	407,284,000	402,218,000	405,218,000	404,468,000	401,232,000	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	203,913,000	214,929,000	214,619,000	214,619,000	214,619,000	212,902,000	D

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
National Institute on Deafness and Other Communication Disorders	149,102,000	157,301,000	153,466,000	157,301,000	156,342,000	155,091,000	D	
National Institute of Nursing Research	44,970,000	48,568,000	47,363,000	49,000,000	48,591,000	48,202,000	D	
National Institute on Alcoholism and Alcohol Abuse	172,050,000	180,915,000	174,335,000	180,169,000	178,711,000	177,281,000	D	
National Institute on Drug Abuse	399,736,000	420,908,000	404,421,000	410,502,000	408,982,000	405,710,000	D	
National Institute of Mental Health	561,255,000	596,098,000	573,449,000	596,098,000	590,436,000	585,713,000	D	
National Center for Research Resources	314,551,000	318,231,000	314,351,000	315,551,000	315,251,000	312,729,000	D	
HBCU facilities	---	12,000,000	---	---	---	---	D	UA
Subtotal	314,551,000	330,231,000	314,351,000	315,551,000	315,251,000	312,729,000		
National Center for Human Genome Research	104,878,000	110,429,000	107,217,000	107,217,000	107,217,000	106,359,000	D	
John E. Fogarty International Center	19,609,000	20,727,000	20,133,000	19,609,000	20,002,000	19,842,000	D	
National Library of Medicine	103,323,000	108,662,000	105,024,000	105,024,000	105,024,000	104,184,000	D	
Office of the Director	144,412,000	205,730,000	194,217,000	188,400,000	192,763,000	191,221,000	D	
Buildings and facilities	108,840,000	75,528,000	73,070,000	59,222,000	109,608,000	108,731,000	D	
Rescission of delayed obligations	-3,409,000	---	---	---	---		D	
Total N.I.H.	10,071,567,000	10,579,684,000	10,368,551,000	10,387,721,000	10,446,374,000	10,362,802,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION 1/							
Center for Mental Health Services:							
Mental Health Block Grant	280,160,000	280,160,000	277,358,000	280,160,000	280,160,000	277,919,000	D
Children's mental health	---	---	4,950,000	---	4,950,000	4,910,000	D
Clinical training and AIDS training	13,851,000	3,016,000	3,016,000	13,042,000	6,000,000	5,952,000	D
Community support demonstrations	24,885,000	24,885,000	24,636,000	24,885,000	24,636,000	24,439,000	D
Prevention demonstrations	5,478,000	---	---	5,478,000	---	---	D
Grants to States for the homeless (PATH)	30,000,000	30,000,000	29,700,000	30,000,000	29,700,000	29,462,000	D
Homeless services demonstrations	21,844,000	26,844,000	21,625,000	21,844,000	21,625,000	21,452,000	D
Protection and advocacy	19,500,000	---	19,305,000	21,000,000	21,000,000	20,832,000	D
Subtotal, mental health	395,718,000	364,905,000	380,590,000	396,409,000	388,071,000	384,966,000	
Center for Substance Abuse Treatment:							
Substance abuse block grant	1,079,840,000	1,079,840,000	1,069,042,000	1,139,626,000	1,139,626,000	1,130,509,000	D
Treatment grants to crisis areas	35,986,000	40,000,000	39,600,000	35,338,000	35,338,000	35,055,000	D
Treatment improvement grants	100,188,000	141,625,000	117,126,000	143,790,000	135,000,000	133,920,000	D
Capacity expansion program	---	66,000,000	13,365,000	---	---	---	D
AIDS demonstrations and training	21,309,000	21,905,000	21,454,000	21,905,000	21,454,000	21,282,000	D
Subtotal, Substance Abuse Treatment	1,237,323,000	1,349,370,000	1,260,587,000	1,340,659,000	1,331,418,000	1,320,76[illegible]	
Center for Substance Abuse Prevention:							
Prevention programs	124,737,000	148,563,000	132,963,000	147,141,000	137,000,000	135,904,000	D
Community youth activity program	9,907,000	---	---	---	---	---	D
Community prevention grants	98,921,000	99,151,000	98,159,000	97,139,000	97,139,000	96,362,000	D
Training	15,088,000	15,088,000	14,938,000	14,716,000	14,716,000	14,598,000	D
Subtotal, Substance Abuse Prevention	248,653,000	262,802,000	246,060,000	258,996,000	248,855,000	246,864,000	
Buildings and facilities	---	970,000	960,000	970,000	960,000	952,000	D
Program management	50,695,000	59,881,000	54,220,000	52,575,000	54,220,000	53,786,000	D
Rescission of delayed obligations	-287,000	---	---	---	---	---	D
Subtotal, Substance Abuse & Mental Health	1,932,102,000	2,037,928,000	1,942,417,000	2,049,609,000	2,023,524,000	2,007,334,000	

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH								
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH								
Population affairs: Adolescent family life.....	7,761,000	11,985,000	7,683,000	7,683,000	7,683,000	7,622,000	D	UA
Health Initiatives:								
Office of Disease Prevention and Health Promotion.....	4,450,000	4,701,000	4,654,000	4,875,000	4,875,000	4,836,000	D	
Physical fitness and sports.....	1,411,000	2,022,000	1,485,000	1,485,000	1,485,000	1,473,000	D	
Minority health.....	13,805,000	13,831,000	13,693,000	13,500,000	13,693,000	13,583,000	D	
National vaccine program.....	7,930,000	2,828,000	7,851,000	2,800,000	2,800,000	2,778,000	D	
Emergency preparedness.....	---	1,000,000	---	---	---	---	D	
Health Service Management.....	21,433,000	22,038,000	21,818,000	21,818,000	21,818,000	21,643,000	D	
National AIDS program office.....	2,452,000	3,958,000	3,918,000	2,000,000	3,000,000	2,976,000	D	
Minority health (AIDS).....	2,075,000	2,090,000	2,069,000	2,090,000	2,090,000	2,073,000	D	
Total, OASH.....	61,317,000	64,453,000	63,171,000	56,251,000	57,444,000	56,984,000		
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS 1/								
Retirement payments.....	104,303,000	109,462,000	109,462,000	109,462,000	109,462,000	109,462,000	M	
Survivors benefits.....	6,650,000	6,835,000	6,835,000	6,835,000	6,835,000	6,835,000	M	
Dependent's medical care.....	20,499,000	21,565,000	21,565,000	21,606,000	21,565,000	21,565,000	M	
Military Services Credits.....	3,095,000	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	M	
Total, Retirement pay and medical benefits.....	134,547,000	140,762,000	140,762,000	140,803,000	140,762,000	140,762,000		

1/ FY93 request includes $116,297,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
AGENCY FOR HEALTH CARE POLICY RESEARCH								
Health services research:								
Research	25,922,000	86,000	25,663,000	4,000,000	29,522,000	29,286,000	D	UA
Trust funds	(1,012,000)	(1,050,000)	(1,002,000)	(1,002,000)	(1,002,000)	(994,000)	TF*	UA
AIDS	10,135,000	9,875,000	9,776,000	9,776,000	9,776,000	9,698,000	D	UA
Program support	2,246,000	2,615,000	2,481,000	2,481,000	2,481,000	2,461,000	D	
1% evaluation funding (non-add)	(13,444,000)	(39,544,000)	(13,310,000)	(38,832,000)	(13,310,000)	(13,204,000)	NA	UA
Subtotal including trust funds & 1% funds	(52,759,000)	(53,170,000)	(52,232,000)	(56,091,000)	(56,091,000)	(55,643,000)		
Medical treatment effectiveness:								
Federal funds	62,372,000	23,507,000	61,748,000	54,315,000	68,799,000	68,249,000	D	
Trust funds	(4,880,000)	(36,723,000)	(4,831,000)	(4,831,000)	(4,831,000)	(4,792,000)	TF*	
1% evaluation funding (non-add)	---	(11,695,000)	---	(14,484,000)	---	---	NA	UA
Subtotal, Medical treatment effectiveness	(67,252,000)	(71,925,000)	(66,579,000)	(73,630,000)	(73,630,000)	(73,041,000)		
Total, Health Care Policy Research:								
Federal Funds	100,675,000	36,083,000	99,668,000	70,572,000	110,578,000	109,694,000		
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)		
Total, 1% evaluation funding (non-add)	(13,444,000)	(51,239,000)	(13,310,000)	(53,316,000)	(13,310,000)	(13,204,000)		
Total, Health Care Policy Research (non-add)	(120,011,000)	(125,095,000)	(118,811,000)	(129,721,000)	(129,721,000)	(128,684,000)		
CAPITAL IMPROVEMENT FUND (FY94)	---	100,000,000	---	---	---	---	D	
(1% Setaside fund for PHS capital improvements)	---	---	(165,125,000)	---	—	---		
SALARIES AND EXPENSES RESCISSION	-7,000,000	---	---	---	---	---	D	
PHS EVALUATION FUNDING RESCISSION	-7,500,000	---	---	---	---	---	D	
Total, Public Health Service:								
Federal Funds	16,400,628,000	17,207,433,000	16,857,866,000	17,166,754,000	17,277,079,000	17,141,657,000		
Current year FY 1993	(16,400,628,000)	(17,107,433,000)	(16,857,866,000)	(17,166,754,000)	(17,277,079,000)	(17,141,657,000)		
FY 1994	---	(100,000,000)	---	---	---	---		
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION							
GRANTS TO STATES FOR MEDICAID 1/							
Medicaid current law benefits	69,854,249,000	81,478,400,000	81,478,400,000	79,697,500,000	79,697,500,000	79,697,500,000	M
State and local administration	2,648,489,000	3,021,706,000	2,922,834,000	2,898,150,000	2,898,150,000	2,898,150,000	M
Insurance counseling program	---	---	10,000,000	10,000,000	---	---	D
Proposed legislation	---	-98,872,000	---	---	---	---	D
Subtotal, Medicaid program level, FY 1993	72,502,738,000	84,401,234,000	84,411,234,000	82,605,650,000	82,595,650,000	82,595,650,000	
Less funds advanced in prior year	-13,500,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	M
Total, current request, FY 1993	59,002,738,000	67,301,234,000	67,311,234,000	65,505,650,000	65,495,650,000	65,495,650,000	
New advance, 1st quarter, FY 1994	17,100,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,403,200,000	M
PAYMENTS TO HEALTH CARE TRUST FUNDS 2/ 3/							
Supplemental medical insurance	38,684,000,000	43,490,000,000	43,490,000,000	45,478,000,000	45,478,000,000	45,478,000,000	M
Hospital insurance for the uninsured	584,000,000	328,000,000	328,000,000	328,000,000	328,000,000	328,000,000	M
Federal uninsured payment	37,000,000	39,000,000	39,000,000	39,000,000	39,000,000	39,000,000	M
Program management	116,485,000	125,713,000	106,192,000	117,862,000	117,862,000	117,862,000	M
Proposed legislation	---	-19,521,000	---	---	---	---	M
Total, Payment to Trust Funds	39,421,485,000	43,963,192,000	43,963,192,000	45,962,862,000	45,962,862,000	45,962,862,000	

1/ FY93 request includes $5,000,000 in legislative savings proposed for later transmittal.

2/ FY93 request includes $612,300,000 in legislative savings proposed for later transmittal.

3/ FY92 and FY93 totals reflected incorrectly in FY93 Budget Appendix.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
PROGRAM MANAGEMENT							
Research, demonstration, and evaluation:							
Regular program, trust funds	(45,621,000)	(36,000,000)	(35,640,000)	(37,640,000)	(46,640,000)	(46,267,000)	TF*
Rural hospital transition demonstrations, trust funds	(23,000,000)	---	(14,850,000)	(23,000,000)	(23,000,000)	(22,816,000)	TF* UA
Essential access community hospitals, trust funds	(9,759,000)	---	---	---	---	---	TF* UA
Subtotal, research, demonstration, & evaluation	(78,380,000)	(36,000,000)	(50,490,000)	(60,640,000)	(69,640,000)	(69,083,000)	
Medicare Contractors (Trust Funds):							
Operating funds, current	(1,525,800,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	TF*
Contingency reserve fund 1/	(184,200,000)	---	---	---	---	---	TF*
Subtotal, Contractors	(1,710,000,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	
State Survey and Certification:							
Medicare certification, trust funds	(150,000,000)	(155,000,000)	---	(150,686,000)	(150,686,000)	(149,481,000)	TF*
Proposed legislation, fees, trust funds	---	(-155,000,000)	---	---	---	---	TF*
Subtotal, State certification	(150,000,000)	---	---	(150,686,000)	(150,686,000)	(149,481,000)	
Federal Administration:							
Trust funds	(328,420,000)	(347,445,000)	(307,372,000)	(337,776,000)	(337,776,000)	(335,074,000)	TF*
Headquarters relocation	---	(15,837,000)	---	---	---	---	TF*
Less current law user fees	(-77,000)	(-124,000)	(-123,000)	(-123,000)	(-123,000)	(-122,000)	TF*
Proposed legislation	---	(-36,969,000)	---	---	---	---	TF*
Subtotal, Federal Administration	(328,343,000)	(326,189,000)	(307,249,000)	(337,653,000)	(337,653,000)	(334,952,000)	
Total, Program management	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

1/ 1992 conference agreement originally provided $257 million, of which $68.8 million has been released by the Administration.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SURVEY AND CERTIFICATION FUND (non-add).....	---	(449,441,000)	---	---	---	---	NA
HMO LOAN AND LOAN GUARANTEE FUND.....	---	13,800,000	13,800,000	13,800,000	13,800,000	13,800,000	M
Total, Health Care Financing Administration:							
Federal funds.....	115,524,223,000	135,878,226,000	135,888,226,000	136,082,312,000	136,072,312,000	135,875,512,000	
Current year, FY 1993.....	(98,424,223,000)	(111,278,226,000)	(111,288,226,000)	(111,482,312,000)	(111,472,312,000)	(111,472,312,000)	
New advance, 1st quarter, FY 1994.....	(17,100,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,403,200,000)	
Trust funds.....	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final	Mand Disc
SOCIAL SECURITY ADMINISTRATION							
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	40,968,000	35,242,000	35,242,000	35,242,000	35,242,000	35,242,000	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS							
Benefit payments	822,302,000	794,362,000	794,362,000	794,362,000	794,362,000	794,362,000	M
Administration	7,336,000	4,951,000	4,951,000	4,951,000	4,951,000	4,951,000	M
Subtotal, Black Lung, FY 1993 program level	829,638,000	799,313,000	799,313,000	799,313,000	799,313,000	799,313,000	
Less funds advanced in prior year	-203,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	M
Total, Black Lung, current request, FY 1993	626,638,000	601,313,000	601,313,000	601,313,000	601,313,000	601,313,000	
New advance, 1st quarter, FY 1994	198,000,000	196,000,000	196,000,000	196,000,000	196,000,000	194,432,000	M
SUPPLEMENTAL SECURITY INCOME 1/							
Federal benefit payments	17,502,025,000	19,701,000,000	19,716,478,000	19,701,000,000	19,701,000,000	19,701,000,000	M
Beneficiary services	39,100,000	47,600,000	47,600,000	47,600,000	47,600,000	47,600,000	M
Research demonstration	14,000,000	6,700,000	12,700,000	12,700,000	12,700,000	12,700,000	M
Administration	1,321,391,000	1,488,357,000	1,457,995,000	1,461,864,000	1,488,357,000	1,476,450,000	D
Subtotal, SSI FY 1993 program level	18,876,516,000	21,243,657,000	21,234,773,000	21,223,164,000	21,249,657,000	21,237,750,000	
Less funds advanced in prior year	-3,550,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	M
Total, SSI, current request, FY 1993	15,326,516,000	16,003,657,000	15,994,773,000	15,983,164,000	16,009,657,000	15,997,750,000	
New advance, 1st quarter, FY 1994	5,240,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,092,800,000	M

1/ FY93 request includes $34,000,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds) 1/	(3,914,239,000)	(4,069,985,000)	(4,035,374,000)	(4,040,677,000)	(4,069,985,000)	(4,037,425,000)	TF
Portion treated as budget authority.....	(636,217,000)	(629,157,000)	(616,776,000)	(619,162,000)	(629,157,000)	(624,124,000)	TF*
Subtotal, LAE operating level.....	(4,550,456,000)	(4,699,142,000)	(4,652,150,000)	(4,659,839,000)	(4,699,142,000)	(4,661,54[illegible])	
(Contingency reserve) 2/.....	---	(40,205,000)	---	(8,040,000)	(160,820,000)	(159,5[illegible],000)	TF
Contingency reserve - budget authority 2/.....	---	(9,795,000)	---	(1,960,000)	(39,180,000)	(38,867,000)	TF*
Emergency allocation 3/.....	---	---	---	(500,000,000)	---	---	NA
Subtotal, LAE.....	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	
Total, Social Security Administration:							
Federal funds.....	21,432,122,000	23,986,212,000	23,977,328,000	23,965,719,000	23,992,212,000	23,921,537,000	
Current year FY 1993.....	(15,994,122,000)	(16,640,212,000)	(16,631,328,000)	(16,619,719,000)	(16,646,212,000)	(16,634,305,000)	
New advances, 1st quarter FY 1994.....	(5,438,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,287,232,000)	
Trust funds.....	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	

1/ President's request excludes $60 million in proposed user fees.

2/ 1992 conference agreement originally provided $100 million, which has been released by the Administration.

3/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES							
FAMILY SUPPORT PAYMENTS TO STATES 1/							
Aid to Families with Dependent Children (AFDC).....	12,242,122,000	12,283,878,000	12,283,878,000	12,453,000,000	12,453,000,000	12,453,000,000	M
Quality control liabilities.....	---	-6,500,000	-6,500,000	-6,500,000	-6,500,000	-6,500,000	M
Payments to territories.....	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	M
Emergency assistance.....	140,600,000	190,000,000	190,000,000	155,000,000	155,000,000	155,000,000	M
Repatriation.....	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	M
State and local welfare administration.....	1,369,000,000	1,483,000,000	1,483,000,000	1,537,000,000	1,537,000,000	1,537,0[illegible]	M
Work activities / child care.....	340,000,000	381,000,000	381,000,000	446,000,000	446,000,000	446,000,000	M
At risk child care.....	383,752,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	M
Subtotal, Welfare payments.....	14,496,046,000	14,651,950,000	14,651,950,000	14,905,072,000	14,905,072,000	14,905,072,000	
Child Support Enforcement:							
State and local administration.....	1,386,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	M
Federal incentive payments.....	329,000,000	367,000,000	367,000,000	367,000,000	367,000,000	367,000,000	M
Less federal share collections.....	-1,010,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	M
Subtotal, Child support.....	705,000,000	790,000,000	790,000,000	790,000,000	790,000,000	790,000,000	
Total, Payments, FY 1993 program level.....	15,201,046,000	15,441,950,000	15,441,950,000	15,695,072,000	15,695,072,000	15,695,072,000	
Less funds advanced in previous years.....	-3,300,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	M
Total, Payments, current request, FY 1993.....	11,901,046,000	11,441,950,000	11,441,950,000	11,695,072,000	11,695,072,000	11,695,072,000	
New advance, 1st quarter, FY 1994.....	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	3,968,000,000	M

1/ FY93 request includes $169,100,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
PAYMENTS TO STATES FOR AFDC WORK PROGRAMS	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	M	
LOW INCOME HOME ENERGY ASSISTANCE								
Regular program	1,094,393,000	266,250,000	891,000,000	669,185,000	669,185,000	663,832,000	D	
Additional appropriation 9/30	405,607,000	798,750,000	---	687,720,000	687,720,000	682,218,000	D	
Emergency allocation 1/	(300,000,000)	---	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	NA	
Subtotal, current year	1,500,000,000	1,065,000,000	891,000,000	1,356,905,000	1,356,905,000	1,346,050,000		
Advance funding (FY 1994)	---	---	---	1,449,000,000	1,449,000,000	1,437,408,000	D	
Total, Energy assistance programs	1,500,000,000	1,065,000,000	891,000,000	2,805,905,000	2,805,905,000	2,783,458,000		
Total including emergency	(1,800,000,000)	(1,065,000,000)	(1,491,000,000)	(3,405,905,000)	(3,405,905,000)	(3,383,458,000)		
REFUGEE AND ENTRANT ASSISTANCE 2/								
Transitional and medical services	---	---	---	---	247,793,000	245,811,000	D	UA
Cash and medical assistance	204,216,000	---	---	200,538,000	---	---	D	UA
Voluntary agency program	39,036,000	74,000,000	118,800,000	38,333,000	---	---	D	UA
Special medical assistance	---	20,000,000	49,500,000	---	---	---	D	UA
Unaccompanied minors	30,000,000	30,000,000	24,750,000	29,460,000	---	---	D	UA
Social services	82,952,000	63,000,000	84,150,000	81,458,000	81,458,000	80,806,000	D	UA
Preventive health	5,631,000	---	---	5,530,000	5,530,000	5,486,000	D	UA
Targeted assistance	48,795,000	40,000,000	44,550,000	49,795,000	49,795,000	49,397,000	D	UA
Total, Refugee Resettlement	410,630,000	227,000,000	321,750,000	405,114,000	384,576,000	381,500,000		

1/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

2/ $116,616,000 of total available only on 9/30 in FY92, FY93 request and Senate recommendation. House action did not include delayed obligations. No delays in conference agreement.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS 1/							
Current year	---	-823,345,000	-562,000,000	-973,345,000	-812,000,000	-812,000,000	D
Advance funding	---	823,345,000	562,000,000	973,345,000	812,000,000	805,504,000	D
COMMUNITY SERVICES BLOCK GRANT							
Grants to States for Community Services	360,000,000	---	351,450,000	380,000,000	375,000,000	372,000,000	D
Homeless services grants	25,000,000	---	12,375,000	24,550,000	20,000,000	19,840,000	D
Discretionary funds:							
Community economic development	22,000,000	---	15,840,000	21,604,000	20,900,000	20,733,000	D
Rural housing	4,099,000	---	2,029,000	5,300,000	5,000,000	4,960,000	D
Farmworker assistance	3,025,000	---	1,485,000	2,971,000	2,971,000	2,947,000	D
National youth sports	12,000,000	5,000,000	5,940,000	12,000,000	9,500,000	9,424,000	D
Technical assistance	244,000	---	121,000	240,000	230,000	228,000	D
Subtotal, discretionary funds	41,368,000	5,000,000	25,415,000	42,115,000	38,601,000	38,292,000	
Demonstration Partnerships	4,050,000	---	2,005,000	3,977,000	3,850,000	3,819,000	D
Community Food and Nutrition	7,000,000	---	3,465,000	7,000,000	7,000,000	6,944,000	D
Total, Community services	437,418,000	5,000,000	394,710,000	457,642,000	444,451,000	440,8[illegible],000	
GRANTS TO STATES FOR CHILD CARE							
Block grants to States	825,000,000	850,000,000	841,500,000	975,000,000	900,000,000	892,800,000	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	M

1/ FY92 bill delayed availability of $1,123,245,619 from FY92 to FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS								
Programs for Children, Youth, and Families:								
Head start:								
Regular grants	2,201,800,000	2,801,800,000	2,720,322,000	2,801,800,000	2,801,800,000	2,779,386,000	D	
Comprehensive child development centers	44,398,000	44,398,000	47,419,000	47,419,000	47,419,000	47,040,000	D	
Child development associate scholarships	1,397,000	1,397,000	1,383,000	1,383,000	1,383,000	1,372,000	D	
Runaway and homeless youth	35,751,000	---	35,393,000	35,751,000	35,393,000	35,110,000	D	UA
Runaway youth - transitional living	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D	UA
Runaway youth activities - drugs	15,286,000	---	15,133,000	15,011,000	15,011,000	14,891,000	D	
Consolidated runaway program	---	63,037,000	---	---	---	---	D	
Youth gang substance abuse	10,943,000	10,943,000	10,834,000	10,943,000	10,834,000	10,747,000	D	
Child abuse state grants	20,518,000	20,518,000	20,313,000	20,518,000	20,518,000	20,354,000	D	
Child abuse discretionary activities	14,639,000	16,639,000	16,473,000	16,639,000	16,473,000	16,341,000	D	
Child abuse challenge grants	5,367,000	5,367,000	5,313,000	5,367,000	5,313,000	5,270,000	D	
Temporary childcare/crisis nurseries	11,055,000	12,160,000	12,038,000	12,160,000	12,038,000	11,942,000	D	
Abandoned infants assistance	12,557,000	13,810,000	13,672,000	13,810,000	13,672,000	13,563,000	D	
Dependent care planning and development	13,175,000	---	13,043,000	13,043,000	13,043,000	12,939,000	D	
Emergency protection grants - substance abuse	19,518,000	19,518,000	19,323,000	19,323,000	19,323,000	19,168,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Child welfare services	273,911,000	273,911,000	297,000,000	297,000,000	297,000,000	294,624,000	D
Child welfare training	3,559,000	5,559,000	5,503,000	4,477,000	4,477,000	4,441,000	D
Child welfare research	6,652,000	8,652,000	8,565,000	6,532,000	6,532,000	6,480,000	D
Adoption opportunities	12,687,000	12,687,000	12,560,000	12,560,000	12,560,000	12,460,000	D
Family violence	20,000,000	20,000,000	19,800,000	25,000,000	25,000,000	24,800,000	D
Social services research	16,379,000	14,879,000	9,780,000	14,400,000	14,400,000	14,285,000	D
Family support centers	5,500,000	---	6,930,000	7,000,000	6,930,000	6,875,000	D
Family resource centers	---	---	4,950,000	4,000,000	4,950,000	4,910,000	D
Developmental disabilities program:							
State grants	67,706,000	67,706,000	67,029,000	68,800,000	67,915,000	67,372,000	D
Protection and advocacy	22,500,000	22,500,000	22,275,000	23,100,000	22,688,000	22,506,000	D
Developmental disabilities special projects	3,248,000	3,248,000	3,216,000	3,248,000	3,216,000	3,190,000	D
Developmental disabilities university affiliated programs	16,030,000	16,030,000	15,870,000	16,640,000	16,255,000	16,125,000	D
Subtotal, Developmental disabilities	109,484,000	109,484,000	108,390,000	111,788,000	110,074,000	109,193,000	
Native American Programs	34,126,000	34,126,000	33,785,000	35,000,000	35,000,000	34,720,000	D
Program direction	150,931,000	155,735,000	152,460,000	152,460,000	152,460,000	151,240,000	D
Total, Children and Families Services Programs	3,051,633,000	3,644,620,000	3,602,262,000	3,695,384,000	3,693,483,000	3,663,936,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE							
Foster care	2,223,668,000	2,677,343,000	2,677,343,000	2,610,050,000	2,610,050,000	2,610,050,000	M
Adoption assistance	201,861,000	241,325,000	241,325,000	243,964,000	243,964,000	243,964,000	M
Independent living	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	M
Prior year claims	118,476,000	---	---	---	---	---	M
Total, Payments to States	2,614,005,000	2,988,668,000	2,988,668,000	2,924,014,000	2,924,014,000	2,924,014,000	
Total, Administration for Children and Families	28,539,732,000	28,022,238,000	28,281,840,000	30,758,131,000	30,647,501,000	30,543,179,000	
Current year	(24,539,732,000)	(23,198,893,000)	(23,719,840,000)	(24,335,786,000)	(24,386,501,000)	(24,332,267,000)	
FY 1994	(4,000,000,000)	(4,823,345,000)	(4,562,000,000)	(6,422,345,000)	(6,261,000,000)	(6,210,912,000)	
ADMINISTRATION ON AGING							
AGING SERVICES PROGRAMS							
Grants to States:							
Supportive services and centers	316,238,000	317,000,000	313,830,000	317,000,000	316,238,000	313,708,000	D
Ombudsman services	3,930,000	3,940,000	3,901,000	3,940,000	3,901,000	3,870,000	D
Prevention of elder abuse	4,416,000	4,427,000	4,383,000	4,427,000	4,383,000	4,348,000	D
Nutrition:							
Congregate meals	366,067,000	367,000,000	363,330,000	369,000,000	366,165,000	363,236,000	D
Home-delivered meals	89,603,000	89,831,000	88,933,000	91,831,000	90,382,000	89,659,000	D
Frail elderly in-home services	6,898,000	6,916,000	6,847,000	7,416,000	7,132,000	7,075,000	D
Grants to Indians	15,086,000	15,124,000	14,973,000	15,491,000	15,232,000	15,110,000	D
Aging research, training and special projects	25,941,000	25,941,000	25,682,000	25,239,000	26,182,000	25,973,000	D
Federal Council on Aging	181,000	181,000	179,000	179,000	179,000	178,000	D
White House Conference on Aging	2,000,000	4,000,000	---	---	---	---	D
Program administration	16,237,000	16,333,000	16,170,000	16,170,000	16,170,000	16,041,000	D
Rescission of delayed obligations	-125,000	---	---	---	---	---	D
Total, Administration on Aging	846,472,000	850,693,000	838,228,000	850,693,000	845,964,000	839,198,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE SECRETARY 1/							
GENERAL DEPARTMENTAL MANAGEMENT:							
Federal funds	66,718,000	67,226,000	66,554,000	67,093,000	67,093,000	66,556,000	D
Office of General Counsel	23,854,000	26,133,000	24,605,000	25,000,000	25,000,000	24,800,000	D
Trust funds	(3,832,000)	(3,696,000)	(3,659,000)	(3,629,000)	(3,629,000)	(3,600,000)	TF
Office of General Counsel	(18,954,000)	(18,987,000)	(18,764,000)	(18,645,000)	(18,645,000)	(18,496,000)	TF
Portion treated as budget authority	(1,074,000)	(1,333,000)	(1,063,000)	(1,309,000)	(1,309,000)	(1,299,000)	TF*
Office of General Counsel	(6,834,000)	(6,845,000)	(6,766,000)	(6,722,000)	(6,722,000)	(6,668,000)	TF*
Total, General Departmental Management:							
Federal funds	90,572,000	93,359,000	91,159,000	92,093,000	92,093,000	91,356,000	
Trust funds	(30,694,000)	(30,861,000)	(30,252,000)	(30,305,000)	(30,305,000)	(30,063,000)	
Total	(121,266,000)	(124,220,000)	(121,411,000)	(122,398,000)	(122,398,000)	(121,419,000)	
OFFICE OF THE INSPECTOR GENERAL:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	D
Trust funds	(16,363,000)	(21,874,000)	(16,199,000)	(20,158,000)	(16,199,000)	(16,069,000)	TF
Portion treated as budget authority	(21,038,000)	(29,114,000)	(20,828,000)	(26,830,000)	(20,828,000)	(20,661,000)	TF*
Total, Office of the Inspector General:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	
Trust funds	(37,401,000)	(50,988,000)	(37,027,000)	(46,988,000)	(37,027,000)	(36,730,000)	
Total	(94,927,000)	(108,484,000)	(98,928,000)	(108,484,000)	(102,000,000)	(101,183,000)	

1/ FY93 request includes $5,000,000 in legislative additions proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE FOR CIVIL RIGHTS:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	D
Trust funds	(99,000)	(99,000)	(98,000)	(98,000)	(98,000)	(97,000)	TF
Portion treated as budget authority	(3,858,000)	(3,901,000)	(3,819,000)	(3,819,000)	(3,819,000)	(3,788,000)	TF*
Total, Office for Civil Rights:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	
Trust funds	(3,957,000)	(4,000,000)	(3,917,000)	(3,917,000)	(3,917,000)	(3,885,000)	
Total	(22,280,000)	(23,389,000)	(22,552,000)	(22,552,000)	(22,552,000)	(22,371,000)	
POLICY RESEARCH	5,012,000	5,224,000	8,415,000	8,263,000	8,263,000	8,197,000	D
Total, Office of the Secretary:							
Federal funds	171,433,000	175,468,000	180,110,000	180,487,000	183,964,000	182,492,000	
Trust funds	(72,052,000)	(85,849,000)	(71,196,000)	(81,210,000)	(71,249,000)	(70,678,000)	
Total	(243,485,000)	(261,317,000)	(251,306,000)	(261,697,000)	(255,213,000)	(253,170,000)	
Undistributed salaries and expenses reduction	---	---	---	-140,000,000	-110,000,000	-110,000,000	D
Health and Human Services attrition	---	---	---	-115,360,000	---	---	D
Total, Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year FY 1993	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
FY 1994	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE III - DEPARTMENT OF EDUCATION								
COMPENSATORY EDUCATION FOR THE DISADVANTAGED								
Grants for the Disadvantaged (Chapter 1):								
Grants to local educational agencies:								
Basic grants	5,524,310,000	5,525,000,000	5,469,750,000	5,518,000,000	5,493,875,000	5,449,924,000	D	
Concentration grants	609,930,000	710,000,000	702,900,000	660,000,000	681,450,000	675,998,000	D	
Subtotal, grants to LEA's	6,134,240,000	6,235,000,000	6,172,650,000	6,178,000,000	6,175,325,000	6,125,922,000		
Capital expenses for private school children	40,054,000	40,054,000	39,653,000	40,054,000	40,054,000	39,734,000	D	
Even start	70,000,000	90,000,000	89,100,000	90,000,000	90,000,000	89,280,000	D	
State agency programs:								
Migrant	308,298,000	308,298,000	305,215,000	308,298,000	305,215,000	302,773,000	D	
Neglected and delinquent	36,054,000	36,054,000	35,693,000	36,054,000	35,693,000	35,407,000	D	
State administration	61,820,000	61,820,000	61,202,000	61,820,000	61,202,000	60,712,000	D	
State program improvement grants	25,125,000	31,406,000	26,142,000	26,142,000	26,142,000	25,933,000	D	
Evaluation and technical assistance 1/	15,088,000	15,000,000	14,850,000	15,000,000	14,850,000	14,731,000	D	
Rural technical assistance centers 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D	
Total, Chapter 1	6,695,679,000	6,817,632,000	6,749,455,000	6,760,368,000	6,753,481,000	6,699,452,000		
Migrant education:								
High school equivalency program 1/	8,310,000	8,310,000	8,227,000	8,310,000	8,227,000	8,161,000	D	UA
College assistance migrant program 1/	2,265,000	2,265,000	2,242,000	2,265,000	2,242,000	2,224,000	D	UA
Subtotal, migrant education	10,575,000	10,575,000	10,469,000	10,575,000	10,469,000	10,385,000		
Total, Compensatory Education programs	6,706,254,000	6,828,207,000	6,759,924,000	6,770,943,000	6,763,950,000	6,709,837,000		
Subtotal, forward funded	(6,675,591,000)	(6,802,632,000)	(6,729,655,000)	(6,740,368,000)	(6,733,631,000)	(6,679,761,000)		

1/ Current funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
IMPACT AID							
Maintenance and operations:							
Payments for ''a'' children:							
Regular payments	570,540,000	489,540,000	566,767,000	576,540,000	571,654,000	567,081,000	D
3(d)(2)(B) districts	18,000,000	16,000,000	17,820,000	18,000,000	17,820,000	17,677,000	D
Subtotal	588,540,000	505,540,000	584,587,000	594,540,000	589,474,000	584,758,000	
Payments for ''b'' children:							
Regular payments	124,626,000	---	123,380,000	124,626,000	124,626,000	123,629,000	D
3(d)(2)(B) districts	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D
Subtotal	136,626,000	---	135,260,000	136,626,000	136,506,000	135,414,000	
Payments for Federal property (Section 2)	16,590,000	16,590,000	16,424,000	16,590,000	16,424,000	16,293,000	D
Payments related to decreased activity (Sec. 3e)	1,952,000	---	---	1,800,000	1,800,000	1,786,000	D
Subtotal	743,708,000	522,130,000	736,271,000	749,556,000	744,204,000	738,251,000	
Construction	27,990,000	10,000,000	27,710,000	10,000,000	12,000,000	11,904,000	D
Undistributed	---	---	---	-1,800,000	---	---	D
Total, Impact aid	771,698,000	532,130,000	763,981,000	757,756,000	756,204,000	750,155,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS								
Educational improvement (Chapter 2):								
State and Local Programs:								
State block grants 1/	450,000,000	450,000,000	445,500,000	439,000,000	439,000,000	435,488,000	D	
National programs:								
Inexpensive book distribution (RIF)	10,000,000	10,320,000	9,900,000	10,320,000	10,110,000	10,029,000	D	
Arts in education	8,600,000	4,900,000	4,851,000	8,000,000	7,000,000	6,944,000	D	
Law - related education	6,000,000	---	5,940,000	6,000,000	6,000,000	5,952,000	D	
Subtotal, National programs	24,600,000	15,220,000	20,691,000	24,320,000	23,110,000	22,925,000		
Total, Chapter 2	474,600,000	465,220,000	466,191,000	463,320,000	462,110,000	458,413,000		
Drug-free schools and communities:								
State grants 1/	507,663,000	507,663,000	502,586,000	507,663,000	502,586,000	498,565,000	D	
School personnel training	23,863,000	13,863,000	13,724,000	13,863,000	13,724,000	13,614,000	D	
National programs	62,133,000	72,133,000	71,412,000	62,133,000	62,133,000	61,636,000	D	
Emergency grants	30,304,000	25,000,000	24,750,000	25,000,000	24,750,000	24,552,000	D	
Emergency grants, unauthorized	---	35,304,000	---	---	---	---	D	UA
Subtotal, drug-free schools	623,963,000	653,963,000	612,472,000	608,659,000	603,193,000	598,367,000		
Weed and Seed	---	56,000,000	---	---	---	---	D	

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Strengthening teaching and administration:								
Eisenhower mathematics and science education State grants 1/	240,000,000	248,000,000	245,520,000	248,000,000	248,000,000	246,016,000	D	
Christa McAuliffe fellowships	2,000,000	2,064,000	1,980,000	2,000,000	1,980,000	1,964,000	D	UA
Other school improvement programs:								
Magnet schools, desegregation program	110,000,000	110,000,000	108,900,000	110,000,000	108,900,000	108,0 ,000	D	
Education for homeless children & youth 1/	25,000,000	25,000,000	29,700,000	25,000,000	25,000,000	24,800,000	D	
Women's educational equity	500,000	---	1,980,000	2,000,000	2,000,000	1,984,000	D	
Training and advisory services (Civil Rights IV-A)	22,000,000	22,000,000	21,780,000	22,000,000	21,780,000	21,606,000	D	
Dropout prevention demonstrations	40,000,000	38,200,000	37,818,000	38,200,000	38,009,000	37,705,000	D	
General assistance to the Virgin Islands	4,500,000	---	2,475,000	3,000,000	2,475,000	2,455,000	D	
Ellender fellowships/Close up 1/	4,300,000	---	4,257,000	4,300,000	4,257,000	4,223,000	D	
Follow through	8,632,000	---	8,546,000	8,632,000	8,546,000	8,478,000	D	
Native Hawaiian Education	6,400,000	---	6,336,000	6,500,000	6,500,000	6,448,000	D	
Foreign Languages Assistance 1/	10,000,000	---	9,900,000	12,000,000	11,000,000	10,912,000	D	
Subtotal, other school improvement programs	231,332,000	195,200,000	231,692,000	231,632,000	228,467,000	226,640,000		
Total, School improvement programs	1,571,895,000	1,620,447,000	1,557,855,000	1,553,611,000	1,543,750,000	1,531,400,000		
Subtotal, forward funded	(1,236,963,000)	(1,230,663,000)	(1,237,463,000)	(1,235,963,000)	(1,229,843,000)	(1,220,004,000)		

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EDUCATIONAL EXCELLENCE / AMERICA 2000							
America 2000 legislation 1/	99,115,000	267,500,000	---	---	---	---	D
School Choice Grants, new legislation	---	500,000,000	---	---	---	---	D
Total, Educational excellence	99,115,000	767,500,000	---	---	---	---	
BILINGUAL AND IMMIGRANT EDUCATION							
Bilingual education:							
Bilingual programs	147,407,000	156,085,000	154,524,000	147,407,000	150,966,000	149,758,000	D
Support services	12,000,000	11,200,000	11,088,000	11,088,000	11,088,000	10,999,000	D
Training grants	36,000,000	36,360,000	35,996,000	35,996,000	35,996,000	35,708,000	D
Immigrant education	30,000,000	30,000,000	29,700,000	29,700,000	29,700,000	29,462,000	D
Total	225,407,000	233,645,000	231,308,000	224,191,000	227,750,000	225,927,000	

1/ FY 1992 funds reprogrammed for Pell shortfall and urban initiative.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SPECIAL EDUCATION							
State grants:							
EHA grants to States part ''b''	1,976,095,000	2,073,300,000	2,052,567,000	2,086,000,000	2,069,284,000	2,052,730,000	D
Chapter 1 handicapped grants	143,000,000	128,700,000	127,413,000	127,413,000	127,413,000	126,394,000	D
Preschool grants	320,000,000	320,000,000	316,800,000	340,000,000	328,400,000	325,773,000	D
Grants for infants and families	175,000,000	180,600,000	178,794,000	235,000,000	215,000,000	213,280,000	D
Subtotal, State grants	2,614,095,000	2,702,600,000	2,675,574,000	2,788,413,000	2,740,097,000	2,718,177,000	
Special purpose funds:							
Deaf-blindness	13,000,000	13,000,000	12,870,000	13,000,000	12,935,000	12,832,000	D
Severe disabilities	8,000,000	8,000,000	9,405,000	9,405,000	9,405,000	9,330,000	D
Serious emotional disturbance	4,000,000	4,000,000	3,960,000	4,400,000	4,180,000	4,147,000	D
Secondary and transitional services	19,000,000	19,000,000	21,285,000	23,000,000	22,143,000	21,966,000	D
Early childhood education	25,000,000	25,000,000	25,740,000	25,000,000	25,370,000	25,167,000	D
Postsecondary education	9,000,000	9,000,000	8,910,000	10,000,000	8,910,000	8,8[illegible]	D
Innovation and development	21,000,000	21,000,000	20,790,000	21,000,000	20,895,000	20,7[illegible],000	D
Media and captioning services	17,000,000	17,000,000	17,572,000	18,500,000	18,036,000	17,892,000	D
Technology applications	10,000,000	10,000,000	9,900,000	12,000,000	10,950,000	10,862,000	D
Special studies	4,000,000	4,000,000	3,960,000	4,000,000	3,980,000	3,948,000	D
Personnel development	89,800,000	89,800,000	88,902,000	93,000,000	90,951,000	90,223,000	D
Parent training	12,000,000	12,000,000	11,880,000	14,500,000	12,500,000	12,400,000	D
Clearinghouses	2,000,000	2,000,000	2,079,000	2,279,000	2,179,000	2,162,000	D
Regional resource centers	7,000,000	7,000,000	7,276,000	7,276,000	7,276,000	7,218,000	D
Subtotal, Special purpose funds	240,800,000	240,800,000	244,529,000	257,360,000	249,710,000	247,714,000	
Total, Special education	2,854,895,000	2,943,400,000	2,920,103,000	3,045,773,000	2,989,807,000	2,965,891,000	

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CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH								
Vocational rehabilitation State grants:								
Grants to States	1,788,000,000	1,839,852,000	1,839,852,000	1,888,000,000	1,880,000,000	1,864,960,000	M	
Supported employment State grants	31,065,000	32,059,000	31,065,000	34,000,000	32,533,000	32,273,000	M	UA
Client assistance	9,141,000	9,434,000	9,141,000	9,600,000	9,371,000	9,296,000	M	UA
Subtotal, State grants	1,828,206,000	1,881,345,000	1,880,058,000	1,931,600,000	1,921,904,000	1,906,529,000		
Special purpose funds:								
Special demonstration programs	31,103,000	20,103,000	20,103,000	20,103,000	20,103,000	19,942,000	M	UA
Supported employment projects	10,423,000	10,980,000	10,423,000	10,980,000	10,702,000	10,616,000	M	UA
Recreational programs	2,617,000	2,617,000	2,617,000	2,617,000	2,617,000	2,596,000	M	UA
Migratory workers	1,060,000	1,300,000	1,060,000	1,300,000	1,180,000	1,171,000	M	UA
Projects with industry	20,390,000	23,100,000	20,390,000	23,100,000	21,745,000	21,571,000	M	UA
Helen Keller National Center	5,867,000	6,057,000	5,867,000	6,867,000	6,617,000	6,564,000	M	UA
Independent living:								
Comprehensive services	14,200,000	14,654,000	14,200,000	15,500,000	15,500,000	15,376,000	M	UA
Centers	29,000,000	29,000,000	29,000,000	31,700,000	31,700,000	31,446,000	M	UA
Services for older blind	6,505,000	6,505,000	6,505,000	7,000,000	7,000,000	6,944,000	M	UA
Protection & advocacy for severely disabled	1,074,000	1,074,000	1,074,000	2,500,000	2,500,000	2,4[illegible]	M	UA
Subtotal, Independent living	50,779,000	51,233,000	50,779,000	56,700,000	56,700,000	56,2[illegible],000		
Training	36,688,000	36,688,000	36,688,000	41,000,000	40,000,000	39,680,000	M	UA
National Institute on Disability & Rehabilitation Research	61,000,000	68,440,000	61,000,000	68,440,000	68,000,000	67,456,000	M	UA
Technology assistance	28,000,000	34,400,000	34,400,000	34,400,000	34,400,000	34,125,000	M	
Evaluation	1,025,000	2,000,000	2,000,000	2,000,000	2,000,000	1,984,000	M	
Subtotal, Special purpose funds	248,952,000	256,918,000	245,327,000	267,507,000	264,064,000	261,951,000		
Total, Rehabilitation services	2,077,158,000	2,138,263,000	2,125,385,000	2,199,107,000	2,185,968,000	2,168,480,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
AMERICAN PRINTING HOUSE FOR THE BLIND	5,900,000	6,349,000	6,286,000	6,349,000	6,349,000	6,298,000	D	
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:								
Operations	39,097,000	40,348,000	38,706,000	40,348,000	40,348,000	40,025,000	D	UA
Endowment grant	342,000	342,000	339,000	339,000	339,000	336,000	D	UA
Construction	---	314,000	---	354,000	354,000	351,000	D	UA
Subtotal	39,439,000	41,004,000	39,045,000	41,041,000	41,041,000	40,712,000		
GALLAUDET UNIVERSITY:								
University programs	50,480,000	51,468,000	49,975,000	51,468,000	51,468,000	51,056,000	D	UA
Kendall Elementary/Model Secondary Schools	22,560,000	23,282,000	22,334,000	23,282,000	23,282,000	23,096,000	D	UA
Endowment grant	1,000,000	1,000,000	990,000	990,000	990,000	982,000	D	UA
Construction	2,500,000	2,500,000	2,475,000	2,475,000	2,475,000	2,455,000	D	UA
Subtotal	76,540,000	78,250,000	75,774,000	78,215,000	78,215,000	77,589,000		
Total, Special Institutions for Disabled	121,879,000	125,603,000	121,105,000	125,605,000	125,605,000	124,599,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
VOCATIONAL AND ADULT EDUCATION							
Vocational and Applied education:							
Basic grants	949,750,000	990,500,000	980,595,000	990,500,000	980,595,000	972,750,000	D
Community - based organizations	12,000,000	12,000,000	11,880,000	11,880,000	11,880,000	11,785,000	D
Consumer and homemaking education	35,000,000	---	34,650,000	36,500,000	35,000,000	34,720,000	D
Tech Prep	90,000,000	100,000,000	120,285,000	100,000,000	105,000,000	104,160,000	D
Supplementary grants, equipment	9,950,000	---	---	---	---	---	D
Tribally controlled post-secondary vocational institutions 1/	2,500,000	2,500,000	2,970,000	2,970,000	2,970,000	2,946,000	D
State councils	9,000,000	9,000,000	8,910,000	9,000,000	9,000,000	8,928,000	D
National programs:							
Research	10,000,000	11,500,000	11,385,000	10,000,000	10,000,000	9,920,000	D
Technical assistance, sec. 404 (d)	2,000,000	---	---	---	---	---	D
Demonstrations	13,000,000	13,000,000	15,840,000	16,840,000	16,840,000	16,705,000	D
Data systems (NOICC/SOICC)	5,000,000	5,000,000	9,900,000	5,000,000	5,000,000	4,960,000	D
Subtotal, national programs	30,000,000	29,500,000	37,125,000	31,840,000	31,840,000	31,585,000	
Bilingual vocational training	3,000,000	---	2,970,000	2,970,000	2,970,000	2,946,000	D
Subtotal, Vocational & Applied tech. education	1,141,200,000	1,143,500,000	1,199,385,000	1,185,660,000	1,179,255,000	1,169,820,000	

1/ Current funded

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Adult education:							
State Programs	235,750,000	260,750,000	258,142,000	256,677,000	256,677,000	254,624,000	D
National programs	9,000,000	9,000,000	8,910,000	8,910,000	8,910,000	8,839,000	D
Literacy training for homeless adults	9,759,000	9,759,000	9,661,000	9,661,000	9,661,000	9,584,000	D
Workplace literacy partnerships	19,251,000	19,251,000	19,058,000	19,058,000	19,058,000	18,906,000	D
English literacy grants	1,000,000	---	990,000	---	---	---	D
Commercial driver literacy	2,500,000	---	---	---	---	---	D
State literacy resource centers	5,000,000	5,000,000	7,920,000	7,920,000	7,920,000	7,857,000	D
Literacy programs for prisoners	5,000,000	---	4,950,000	4,950,000	4,950,000	4,910,000	D
Subtotal, adult education	287,260,000	303,760,000	309,631,000	307,176,000	307,176,000	304,720,000	
Total, Vocational and adult education	1,428,460,000	1,447,260,000	1,509,016,000	1,492,836,000	1,486,431,000	1,474,540,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STUDENT FINANCIAL ASSISTANCE							
Pell Grants: Academic year 1993 - 1994	5,459,690,000	6,305,464,000	6,067,710,000	5,900,000,000	5,989,130,000	5,941,217,000	D
DOD transfer for Desert Storm	3,165,000	---	---	---	---	---	D
Advance appropriation (FY93 - FY95)	9,495,000	---	---	---	---	---	D
Legislative savings	---	---	-185,130,000	-185,130,000	-185,130,000	-183,649,000	D
Subtotal, current year	5,472,350,000	6,305,464,000	5,882,580,000	5,714,870,000	5,804,000,000	5,757,568,000	
Pell Grants: Academic year 91-92 shortfall	---	332,173,000	703,890,000	242,058,000	242,058,000	240,122,000	D
Subtotal, Pell Grants	5,472,350,000	6,637,637,000	6,586,470,000	5,956,928,000	6,046,058,000	5,997,690,000	
Presidential Achievement Scholarships	---	170,000,000	---	---	---	---	D
Supplemental educational opportunity grants	577,000,000	358,000,000	571,230,000	602,000,000	590,000,000	585,280,000	D
Work-study	615,000,000	454,000,000	608,850,000	635,000,000	621,925,000	616,950,000	D
Income contingent loans	4,880,000	5,000,000	---	---	---	---	D
Perkins loans:							
Federal capital contributions	156,000,000	---	248,490,000	144,000,000	170,000,000	168,640,000	D
Loan cancellations	---	15,000,000	14,850,000	15,000,000	15,000,000	14,880,000	D
Subtotal, Perkins loans	156,000,000	15,000,000	263,340,000	159,000,000	185,000,000	183,520,000	
State student incentive grants	72,000,000	---	71,280,000	75,000,000	73,140,000	72,555,000	D
Grants to states to improve licensure	---	50,000,000	---	---	---	---	D
Total, Student Financial Assistance	6,897,230,000	7,689,637,000	8,101,170,000	7,427,928,000	7,516,123,000	7,455,995,000	
Current year FY 1993	(6,887,735,000)	(7,689,637,000)	(8,101,170,000)	(7,427,928,000)	(7,516,123,000)	(7,455,995,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
GUARANTEED STUDENT LOANS (LIQUIDATING)							
Contract authority to liquidate pre-1992 loan subsidies 1/	(2,135,830,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	NA
Appropriation, including shortfalls (non-add) 2/	(4,220,459,000)	---	---	---	---	---	NA
GUARANTEED STUDENT LOANS PROGRAM							
Federal Family Education Loans:							
New loan subsidies (contract authority)	2,436,467,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	M
Mandatory admin expenses (contract authority)	203,345,000	67,397,000	67,397,000	67,397,000	67,397,000	67,397,000	M
Total	2,639,812,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	
GSL LOAN ADMINISTRATION	43,870,000	65,000,000	64,350,000	63,000,000	63,000,000	62,496,000	D
FEDERAL DIRECT LOANS							
Federal administration	---	---	---	(10,000,000)	(10,000,000)	(10,000,000)	NA

1/ Includes $266,365,000 of FY92 legislative savings proposed for later transmittal.

2/ Includes Dept. of Defense transfer of $5,933,000 in FY92 and $2,262,000 in FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
HIGHER EDUCATION							
Aid for institutional development:							
Strengthening institutions	87,831,000	87,831,000	86,953,000	86,953,000	86,953,000	86,257,000	D
Strengthening historically black colleges & univ.	100,000,000	100,000,000	99,000,000	99,000,000	99,000,000	98,208,000	D
Strengthening historically black grad institutions	11,711,000	11,711,000	11,594,000	11,594,000	11,594,000	11,501,000	D
Endowment grants, regular	7,500,000	7,500,000	7,425,000	7,425,000	7,425,000	7,366,000	D
Endowment grants, new proposal	---	10,000,000	---	---	---	---	D
Subtotal, Institutional development	207,042,000	217,042,000	204,972,000	204,972,000	204,972,000	203,332,000	
Program development:							
Fund for the Improvement of Postsec. Education	15,000,000	16,000,000	14,850,000	20,000,000	27,000,000	26,784,000	D
Minority science improvement	6,000,000	6,000,000	5,940,000	5,940,000	5,940,000	5,892,000	D
Innovative projects:							
Community services	1,463,000	6,830,000	1,448,000	1,448,000	1,448,000	1,436,000	D
Student Literacy Corps	5,367,000	---	5,313,000	5,313,000	5,313,000	5,270,000	D
Subtotal, Innovative projects	6,830,000	6,830,000	6,761,000	6,761,000	6,761,000	6,706,000	
International educ & foreign language studies:							
Domestic programs	33,980,000	34,000,000	33,640,000	36,000,000	35,820,000	35,533,000	D
Overseas programs	6,000,000	6,000,000	10,890,000	10,890,000	5,890,000	5,843,000	D
Subtotal, International education	39,980,000	40,000,000	44,530,000	46,890,000	41,710,000	41,376,000	
Cooperative education	14,000,000	14,000,000	13,860,000	13,860,000	13,860,000	13,749,000	D
Law school clinical experience	8,000,000	---	7,920,000	10,000,000	10,000,000	9,920,000	D
Urban Community Service	8,000,000	---	7,920,000	10,000,000	9,500,000	9,424,000	D
Foreign language periodicals	500,000	---	990,000	990,000	990,000	982,000	D
Subtotal, Program development	98,310,000	82,830,000	102,771,000	114,441,000	115,761,000	114,833,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Construction:							
Interest subsidy grants, prior year construction..	19,412,000	18,840,000	18,652,000	18,840,000	18,840,000	18,689,000	D
Special grants:							
Assistance to Guam.....	500,000	---	---	400,000	400,000	397,000	D
Robert A. Taft Institute.....	550,000	325,000	322,000	322,000	322,000	319,000	D
Magnuson Endowment.....	2,000,000	---	---	---	---	---	D
Bethune-Cookman.....	300,000	---	---	---	---	---	D
Subtotal, Special grants.....	3,350,000	325,000	322,000	722,000	722,000	716,000	
Aid for students:							
Federal TRIO programs.....	385,149,000	397,404,000	381,297,000	401,404,000	391,351,000	388,220,000	D
McNair graduate outreach (proposed legislat'n)....	---	15,553,000	---	---	---	---	D
Undergraduate scholarships:							
Byrd honors scholarships.....	9,642,000	9,642,000	9,546,000	9,546,000	9,546,000	9,470,000	D
National science scholars.....	4,500,000	15,000,000	12,177,000	4,500,000	4,500,000	4,464,000	D
National math/science scholars, new.....	---	---	2,178,000	---	2,178,000	2,161,000	D
Douglas teacher scholarships.....	15,000,000	15,000,000	14,850,000	14,850,000	14,850,000	14,731,000	D
Subtotal, Undergraduate scholarships.....	29,142,000	39,642,000	38,751,000	28,896,000	31,074,000	30,826,000	
Graduate fellowships:							
Harris graduate fellowships.....	20,800,000	---	20,592,000	20,592,000	20,592,000	20,427,000	D
Javits fellowships.....	8,000,000	---	7,920,000	7,920,000	7,920,000	7,857,000	D
Graduate assistance in areas of national need.....	28,000,000	---	27,720,000	27,720,000	27,720,000	27,498,000	D
Minority participation in graduate education.....	5,953,000	---	5,893,000	5,893,000	5,893,000	5,846,000	D
Foreign language & area studies fellowships VI	13,000,000	---	12,870,000	12,870,000	12,870,000	12,767,000	D
Proposed national graduate fellowships.....	---	74,800,000	---	---	---	---	D
Subtotal, Graduate fellowships.....	75,753,000	74,800,000	74,995,000	74,995,000	74,995,000	74,395,000	
Veterans' education outreach.....	2,700,000	---	2,673,000	---	---	---	D
Legal training for the disadvantaged (CLEO).....	3,045,000	3,045,000	3,015,000	3,015,000	3,015,000	2,991,000	D
School, college & university partnerships.....	4,000,000	4,000,000	3,960,000	3,960,000	3,960,000	3,928,000	D
Total, Higher education.....	827,903,000	853,481,000	831,408,000	851,245,000	844,690,000	837,930,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
HOWARD UNIVERSITY								
Academic program	153,515,000	158,427,000	151,980,000	151,980,000	151,980,000	150,7[illegible],000	D	
Endowment grant	2,928,000	5,000,000	3,378,000	3,378,000	3,378,000	3,351,000	D	UA
Research	4,616,000	4,616,000	4,570,000	4,570,000	4,570,000	4,533,000	D	
Howard University Hospital	28,301,000	29,207,000	28,915,000	29,207,000	29,207,000	28,973,000	D	
Emergency construction	23,000,000	---	6,435,000	---	6,435,000	6,384,000	D	
Total, Howard University	212,360,000	197,250,000	195,278,000	189,135,000	195,570,000	194,005,000		
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (LIQUIDATING):								
Interest subsidy payments	(3,598,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	NA	
COLLEGE HOUSING AND ACADEMIC FACILITIES PROGRAM:								
New loan subsidies	7,539,000	---	2,997,000	2,997,000	2,997,000	2,973,000	D	
Federal administration	556,000	740,000	733,000	733,000	733,000	727,000	D	
Loan limitation	(30,000,000)	---	(29,700,000)	(29,700,000)	(29,700,000)	(29,700,000)	NA	
Total, College Housing Program	8,095,000	740,000	3,730,000	3,730,000	3,730,000	3,700,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT								
Research and statistics:								
Research	71,000,000	115,000,000	70,290,000	74,695,000	74,695,000	74,097,000	D	UA
Statistics	47,313,000	63,600,000	62,964,000	38,707,000	49,300,000	48,906,000	D	
Assessment (NAEP)	29,900,000	64,800,000	29,601,000	29,900,000	29,601,000	29,364,000	D	
Subtotal, Research and statistics	148,213,000	243,400,000	162,855,000	143,302,000	153,596,000	152,3[illegible]		
Fund for Innovation in Education	24,000,000	25,000,000	19,800,000	28,000,000	23,900,000	23,709,000	D	
Civic education	3,800,000	---	3,762,000	5,000,000	4,381,000	4,346,000	D	
Fund for the Improvement and Reform of Schools and Teaching:								
Grants for schools and teachers	5,495,000	5,495,000	5,440,000	5,440,000	5,440,000	5,396,000	D	
Family-school partnerships	3,755,000	3,755,000	3,717,000	3,717,000	3,717,000	3,687,000	D	
Eisenhower mathematics & science educ national program	16,000,000	56,000,000	15,840,000	16,250,000	16,000,000	15,872,000	D	
(Clearinghouse non-add)	(3,500,000)	(5,700,000)	(3,465,000)	(3,750,000)	(3,500,000)	(3,472,000)	NA	
Eisenhower math-science regional consortia	12,000,000	12,000,000	11,880,000	14,000,000	13,700,000	13,590,000	D	
National Diffusion Network	14,700,000	14,700,000	14,553,000	15,000,000	14,700,000	14,582,000	D	
Blue ribbon schools	885,000	895,000	886,000	886,000	886,000	879,000	D	
Javits gifted and talented students education	9,732,000	9,732,000	9,635,000	9,732,000	9,684,000	9,607,000	D	
Star schools	18,412,000	18,417,000	18,228,000	25,400,000	23,000,000	22,816,000	D	
Educational partnerships	4,233,000	4,233,000	4,191,000	4,191,000	4,191,000	4,157,000	D	
Territorial teacher training	1,769,000	1,769,000	1,751,000	1,751,000	1,751,000	1,737,000	D	
Leadership in educational administration (LEAD)	370,000	---	---	---	---	---	D	UA
National writing project	2,500,000	---	2,475,000	4,000,000	3,238,000	3,212,000	D	
Partnerships for innovative teacher education	---	20,000,000	---	---	---	---	D	UA
Subtotal, ASRI	265,864,000	415,396,000	275,013,000	276,669,000	278,184,000	275,957,000		
National board for professional teacher standards	4,880,000	---	4,831,000	4,880,000	4,831,000	4,792,000	D	UA
Total, ERSI	270,744,000	415,396,000	279,844,000	281,549,000	283,015,000	280,749,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIBRARIES							
Public libraries:							
Services	83,898,000	35,000,000	83,059,000	83,898,000	83,898,000	83,227,000	D
Construction	16,718,000	---	16,551,000	16,718,000	16,718,000	16,584,000	D
Interlibrary cooperation	19,908,000	---	19,709,000	19,908,000	19,908,000	19,749,000	D
Research and demonstrations	325,000	---	322,000	2,825,000	2,825,000	2,802,000	D
Library career training 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D
Research libraries	5,855,000	---	5,796,000	5,855,000	5,855,000	5,808,000	D
Library literacy programs	8,163,000	---	8,081,000	8,163,000	8,163,000	8,098,000	D
College library technology	6,404,000	---	6,340,000	3,904,000	3,904,000	3,8	D
Foreign language materials (Title V-LSCA)	976,000	---	966,000	976,000	976,000	968,000	D
Total, Libraries	147,247,000	35,000,000	145,774,000	147,247,000	147,247,000	146,069,000	
DEPARTMENTAL MANAGEMENT							
PROGRAM ADMINISTRATION	291,527,000	325,000,000	305,799,000	305,799,000	307,799,000	305,337,000	D
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	53,625,000	61,400,000	56,857,000	56,857,000	56,857,000	56,402,000	D
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	26,260,000	31,700,000	28,652,000	31,700,000	29,500,000	29,264,000	D
Total, Departmental management	371,412,000	418,100,000	391,308,000	394,356,000	394,156,000	391,003,000	
Education attrition	---	---	---	-5,000,000	---	---	D
Total, Department of Education	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year FY 1993	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,082,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	

1/ Training funds requested under Higher Education.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE IV - RELATED AGENCIES							
Action (Domestic Programs):							
Volunteers in Service to America:							
VISTA operations	32,688,000	35,822,000	34,947,000	34,947,000	34,947,000	34,667,000	D
VISTA Literacy Corps	4,776,000	5,204,000	5,049,000	5,049,000	5,049,000	5,009,000	D
Student Community Service	976,000	976,000	966,000	966,000	966,000	958,000	D
Subtotal	38,440,000	42,002,000	40,962,000	40,962,000	40,962,000	40,634,000	
Special Volunteer Programs:							
Drug programs	1,225,000	1,225,000	990,000	990,000	990,000	982,000	D
Older Americans Volunteer Programs:							
Foster Grandparents Program	65,590,000	65,590,000	65,063,000	65,590,000	65,327,000	64,804,000	D
Senior Companion Program	28,727,000	28,727,000	28,571,000	31,000,000	29,786,000	29,548,000	D
Retired Senior Volunteer Program	34,128,000	34,128,000	33,787,000	34,128,000	33,958,000	33,686,000	D
Subtotal, Older Volunteers	128,445,000	128,445,000	127,421,000	130,718,000	129,071,000	128,038,[illegible]0	
Inspector General	954,000	1,020,000	944,000	1,020,000	944,000	9[illegible]0	D
Program Support	29,528,000	32,445,000	31,185,000	31,185,000	31,185,000	30,936,000	D
Total, Action	198,592,000	205,137,000	201,502,000	204,875,000	203,152,000	201,526,000	
Corporation for Public Broadcasting: FY95 (current request) 1/	275,000,000	275,000,000	272,250,000	310,000,000	295,000,000	292,640,000	D

1/ FY 1992 approp. adv. in FY90 is $327,280,000.
FY 1993 approp. adv. in FY91 is $318,636,000.
FY 1994 approp. adv. in FY92 is $275,000,000.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Federal Mediation and Conciliation Service	28,118,000	29,594,000	30,195,000	30,195,000	30,195,000	29,953,000	D	
Federal Mine Safety and Health Review Commission	5,143,000	5,830,000	5,772,000	5,772,000	5,772,000	5,726,000	D	
National Commission on Acquired Immune Deficiency Syndrome	1,750,000	3,000,000	1,732,000	2,542,000	1,750,000	1,736,000	D	
National Commission on Children	950,000	---	---	---	---	---	D	UA
National Commission on Libraries and Information Science	831,000	1,000,000	590,000	982,000	896,000	889,000	D	
White House Conference on Library and Information Services	---	---	400,000	400,000	400,000	397,000	D	
National Commission on Responsibilities for Financing Postsecondary Education	---	236,000	208,000	---	208,000	206,000	D	
National Commission to Prevent Infant Mortality	440,000	440,000	---	450,000	450,000	446,000	D	UA
National Council on Disability	1,569,000	1,800,000	1,553,000	1,768,000	1,553,000	1,541,000	D	UA
National Labor Relations Board	162,000,000	172,905,000	171,176,000	171,176,000	171,176,000	169,807,000	D	
National Mediation Board	6,775,000	7,950,000	7,870,000	7,870,000	7,870,000	7,807,000	D	
Occupational Safety and Health Review Commission	6,711,000	7,241,000	7,169,000	7,169,000	7,169,000	7,112,000	D	
Physician Payment Review Commission (trust funds)	(4,398,000)	(4,496,000)	(4,451,000)	(4,451,000)	(4,451,000)	(4,415,000)	TF*	
Prospective Payment Assessment Commission (trust funds)	(4,030,000)	(4,463,000)	(4,418,000)	(4,418,000)	(4,418,000)	(4,383,000)	TF*	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Railroad Retirement Board:								
Dual benefits payments account	319,100,000	297,000,000	294,030,000	294,030,000	294,030,000	294,030,000	D	
Contingency reserve (non-add)	---	(5,940,000)	(5,881,000)	(5,881,000)	(5,881,000)	(5,881,000)	NA	
Less income tax receipts on dual benefits	-18,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	D	
Subtotal, dual benefits	301,100,000	275,000,000	272,030,000	272,030,000	272,030,000	272,030,000		
Federal payment to the Railroad Retirement Account	400,000	100,000	100,000	100,000	100,000	100,000	M	
Limitation on administration:								
(Retirement)	(72,287,000)	(76,911,000)	(75,240,000)	(75,240,000)	(75,240,000)	(74,638,000)	TF*	
(Unemployment)	(17,263,000)	(17,689,000)	(17,325,000)	(17,325,000)	(17,325,000)	(17,186,000)	TF*	
Subtotal, administration	(89,550,000)	(94,600,000)	(92,565,000)	(92,565,000)	(92,565,000)	(91,824,000)		
(Special Management Improvement Fund)	(3,264,000)	(3,758,000)	(3,720,000)	(3,720,000)	(3,720,000)	(3,690,000)	TF*	
Total, limitation on administration	(92,814,000)	(98,358,000)	(96,285,000)	(96,285,000)	(96,285,000)	(95,514,000)		
(Inspector General)	(6,395,000)	(6,900,000)	(5,544,000)	(6,900,000)	(6,900,000)	(6,845,000)	TF*	
Soldiers' and Airmen's Home (trust fund limitation):								
Operation and maintenance	41,352,000	43,236,000	40,938,000	42,457,000	42,457,000	42,117,000	D	UA
Capital outlay	4,220,000	7,174,000	4,178,000	6,000,000	6,000,000	5,952,000	D	UA
United States Institute of Peace	11,000,000	11,000,000	10,890,000	11,000,000	11,000,000	10,912,000	D	
United States Naval Home (trust fund limitation):								
Operation and maintenance	10,055,000	11,070,000	9,954,000	10,862,000	10,862,000	10,775,000	D	UA
Capital program	1,253,000	477,000	472,000	477,000	477,000	473,000	D	UA
Total, Title IV, Related Agencies:								
Federal Funds (all years)	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000		
Current year, FY 1993	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)		
FY 1995	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)		
Trust funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,1[illegible]		
GENERAL PROVISION								
BILL-WIDE CONSULTANT SAVINGS	---	---	---	-13,500,000	-13,500,000	-13,500,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
STENY H. HOYER,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
BROCK ADAMS,
KENT CONRAD,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
WARREN RUDMAN,
THAD COCHRAN,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lipinski (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

Mr. BARRETT, for 60 minutes, on October 2, 3, and 4.

Mr. DREIER of California, for 60 minutes on October 4, 5, 6, and 7.

Mr. MOORHEAD, for 60 minutes on October 3, 4, 5, and 6.

Mr. SANTORUM, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, on October 2.

(The following Members (at the request of Mr. HUGHES) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, on October 2, 3, 4, and 5.

Mr. ALEXANDER, for 60 minutes today, and on October 2, 3, 4, 5, and 6.

Mr. CUNNINGHAM, at his own request, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PETRI, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $7,972.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BUNNING.
Mr. BROOMFIELD.
Mr. MARTIN.
Mr. VANDER JAGT.
Mr. LAGOMARSINO in four instances.
Mr. SAXTON.
Mr. DUNCAN in two instances.
Mr. HASTERT.
Ms. MOLINARI.
Mr. LIVINGSTON.
Mr. MILLER of Ohio in six instances.
Mr. BURTON of Indiana in two instances.
Mr. LENT.
Mr. BEREUTER.
Mr. PURSELL.
Mr. LEWIS of California.
Mr. CRANE in two instances.
Mr. OXLEY.
Mr. GRADISON.
Mr. COX.
Mr. MACHTLEY.
Mr. BLILEY.
Mr. GOODLING.
Mrs. ROUKEMA.
Mr. FISH.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. EDWARDS of California.
Mr. ROEMER.
Mr. SABO.
Mr. LANTOS in three instances.
Ms. PELOSI.
Mr. FASCELL in five instances.
Mr. MCDERMOTT.
Mr. CONYERS.
Mr. CLAY.
Mr. MAVROULES.
Mr. MAZZOLI.
Mr. CLEMENT in 10 instances.
Ms. LONG.
Mr. CARDIN.
Ms. HORN.
Mr. STALLINGS.
Mr. CARR.
Mr. FAZIO.
Mr. MRAZEK.
Mr. LEHMAN of Florida.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. BERMAN.
Mr. JOHNSON of South Dakota.
Mr. KOSTMAYER.
Mr. JACOBS.
Mr. DINGELL.
Mr. KENNEDY.
Mr. ECKART.
Mrs. COLLINS of Illinois.
Mr. KANJORSKI.
Mr. SAWYER.
Mr. AUCOIN.
Mr. FORD of Michigan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2044. An act to assist Native Americans in assuring the survival and continuing vitality of their languages; to the Committee on Education and Labor.

S. 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

On October 1, 1992:

H.R. 5503. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

On September 30, 1992:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start Programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes;

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes;

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993; and

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

On September 25, 1992:

H.R. 5517. An act making appropriations for the government of the District of Colum-

bia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5373. An act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2194. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities;

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes;

H.R. 3654. An act to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, to reauthorize and reform the United States Mint, and for other purposes; and

H.R. 5126. An act to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes) under its previous order, the House adjourned until Friday, October 2, 1992, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4342. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102-229; to the Committee on Appropriations.

4343. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the Government of the Philippines has requested that the United States Government permit the use of foreign military financing for the sale, coassembly, and coproduction of the 78-foot fast patrol craft [PCF], pursuant to 22 U.S.C. 2791(b); to the Committee on Foreign Affairs.

4344. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4345. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4346. A letter from the Secretary of Energy; transmitting the sixth in a series of annual reports prepared for the Congress entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1991," pursuant to section 5(d)(2)(E) of the Low-Level Radioactive Waste Policy Amendments Act of 1985; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record on September 30, 1992]

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 5572. A bill to designate May of each year as "Asian/Pacific American Heritage Month". (Rept. 102-957). Referred to the Committee of the Whole House on the State of the Union.

[Submitted October 1, 1992]

Mr. McCURDY: Committee of Conference. Conference report on H.R. 5095 (Rept. 102-963). Ordered to be printed.

Mr. FASCELL: Committee of Conference. Conference report on S. 2532 (Rept. 102-964). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. H.R. 5702. A bill to amend section 552b of title 5, United States Code, popularly known as the Government in the Sunshine Act, to ensure that all oral and written communications concerning a regulatory action are publicly disclosed and to authorize appropriations for the Office of Information and Regulatory Affairs of the Office of Management and Budget; with an amendment (Rept. 102-965). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee of Conference. Conference Report on H.R. 5006 (Rept. 102-966). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 587. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. 102-967). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 588. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report. (Rept. 102-968). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 589. Resolution providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes (Rept. 102-969). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 590. Resolution providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 102-970). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. H. Res. 591. Resolution waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 102-971). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 1604. A bill to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service (Rept. 102-972). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee of Conference. Conference report on H.R. 5482 (Rept. 102-973). Ordered to be printed.

Mr. NATCHER: Committee of Conference. Conference report on H.R. 5677 (Rept. 102-974). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

S. 1696. The Committee on Merchant Marine and Fisheries discharged from further consideration of S. 1696. S. 1696 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself and Mr. GEPHARDT):

H.R. 6076. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of Washington (for himself, Mr. WYDEN, Mr. McDERMOTT, Mr. MORRISON, Mr. DICKS, Mr. SWIFT, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 6077. A bill concerning U.S. participation in a Cascadia Corridor commission; to the Committee on Foreign Affairs.

By Mr. FOGLIETTA:

H.R. 6078. A bill to require any private shipyard competing for a contract with the Department of Defense for repair, alteration, overhaul, or conversion of a naval vessel to undergo a cost realism analysis of its bid to ensure that the work can be accomplished at the estimated cost in the bid; to the Committee on Armed Services.

By Mr. JENKINS (for himself and Mr. EDWARDS of California):

H.R. 6079. A bill to amend title 18, United States Code, and other provisions of law, to make them consistent with the Sentencing Reform Act of 1984; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself and Mr. BERMAN):

H.R. 6080. A bill to amend the Internal Revenue Code of 1986 to establish an additional safe harbor under the leased employee rules, to provide for the registration of leasing organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 6081. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and as-

sault, and to provide for epidemiological research on such violence and assault; to the Committee on Energy and Commerce.

By Mr. PAYNE of Virginia:

H.R. 6082. A bill to amend general note 3(a)(iv) of the Harmonized Tariff Schedule of the United States to deny special tariff treatment to goods of the Commonwealth of the Northern Mariana Islands unless certain conditions are met, to require the Secretary of Labor to assign a full-time resident compliance officer to the Commonwealth of the Northern Mariana Islands, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, and Mr. GRANDY):

H.R. 6083. A bill to authorize States to conduct demonstration projects to test the effectiveness of policies designed to help people leave welfare and increase their financial security, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Agriculture, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. JACOBS:

H.J. Res. 557. Joint resolution proposing and amendment to the Constitution of the United States providing for direct popular elections of the President and the Vice President, establishing a day for elections for the offices of the President, the Vice President, Senator, and Representative, and providing for primaries to nominate candidates for the offices 1 month before the elections; to the Committee on the Judiciary.

H. Con. Res. 368. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488); considered adopted pursuant to House Resolution 583.

By Mr. ARMEY:

H.R. 6084. A bill to amend certain program authorities of the Department of Housing and Urban Development for the purpose of promoting economic self-sufficiency for families residing in public housing and other families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. AUCOIN:

H.R. 6085. A bill to direct the Secretary of Education to provide grants to establish training programs for teachers, to provide school to work transition services for elementary and secondary students, to establish job training programs for business and industry, and to establish job training courses at community colleges; to the Committee on Education and Labor.

By Mr. BRYANT:

H.R. 6086. A bill to establish civil and criminal penalties for the obstruction of lawful hunts conducted on Federal lands under the jurisdiction of the Secretary of Agriculture or Secretary of the Interior; jointly, to the Committees on the Judiciary, Interior and Insular Affairs, and Agriculture.

By Mr. HOAGLAND:

H.R. 6087. A bill to permit national banks, State member banks, and bank holding companies to establish subsidiaries which underwrite shares of and sponsor investment companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MYERS of Indiana:

H.R. 6088. A bill entitled the "Senior Citizen Capital Gain Rate Reduction Act of 1992"; to the Committee on Ways and Means.

By Mr. ORTON (for himself, Mr. COX of Illinois, Mr. BACCHUS, Mr. OWENS of Utah, Mr. RIGGS, and Mr. SWETT):

H.R. 6069. A bill to restructure the Federal budget process; jointly, to the Committees on Government Operations, Rules, Ways and Means, and Public Works and Transportation.

By Mr. PEASE:

H.R. 6090. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 6091. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Banking, Finance and Urban Affairs, Armed Services, and Education and Labor.

By Mr. TORRES:

H. Con. Res. 369. Concurrent resolution expressing the sense of the Congress that the President should develop a strategy to bring the United States back into active and full membership in the U.N. Educational, Scientific, and Cultural Organization not later than July 1, 1993; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

517. By the SPEAKER: Memorial of the Senate of the State of California, relative to the 143d Evacuation Hospital; to the Committee on Armed Services.

518. Also, memorial of the Senate of the State of California, relative to the credit crunch; to the Committee on Banking, Finance and Urban Affairs.

519. Also, memorial of the Senate of the State of California, relative to Women, Infants, and Children Program; to the Committee on Education and Labor.

520. Also, memorial of the Senate of the State of California, relative to occupational safety and health; to the Committee on Education and Labor.

521. Also, memorial of the Senate of the State of California, relative to Federal job training programs; to the Committee on Education and Labor.

522. Also, memorial of the Senate of the State of California, relative to the Public Employment Program; to the Committee on Education and Labor.

523. Also, memorial of the Senate of the State of California, relative to breast cancer; to the Committee on Energy and Commerce.

524. Also, memorial of the Senate of the State of California, relative to authorization of multilateral action in Bosnia-Herzegovina under article 42 of the United Nations Charter; to the Committee on Foreign Affairs.

525. Also, memorial of the Senate of the State of California, relative to the Federal Gun Control Act of 1968; to the Committee on the Judiciary.

526. Also, memorial of the Senate of the State of California, relative to the compensation of Members of Congress; to the Committee on the Judiciary.

527. Also, memorial of the Senate of the State of California, relative to helicopter safety; to the Committee on Public Works and Transportation.

528. Also, memorial of the Senate of the Senate of the State of California, relative to public transit; to the Committee on Public Works and Transportation.

529. Also, memorial of the Senate of the State of California, relative to a tourist-oriented directional sign system for California highways; to the Committee on Public Works and Transportation.

530. Also, memorial of the Senate of the State of California, relative to a University of California manufacturing extension program; to the Committee on Science, Space, and Technology.

531. Also, memorial of the Senate of the State of California, relative to the establishment of a national testing center in California; to the Committee on Science, Space, and Technology.

532. Also, memorial of the Senate of the State of California, relative to the Martinez Veterans' Hospital; to the Committee on Veterans's Affairs.

533. Also, memorial of the Senate of the State of California relative to Federal Supplemental Security Income Program benefits; to the Committee on Ways and Means.

534. Also, memorial of the Senate of the State of California, relative to a forest health management plan; jointly, to the Committees on Interior and Insular affairs and Agriculture.

535. Also, memorial of the Senate of the State of California, relative to funding for the development of a high-speed train system in California; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

536. Also, memorial of the Senate of the State of California, relative to drift nets; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. ERDREICH.

H.R. 722: Mr. KOSTMAYER.

H.R. 723: Mr. KOSTMAYER.

H.R. 771: Mr. CAMPBELL of California.

H.R. 943: Mr. CAMPBELL of California.

H.R. 1245: Mr. CAMPBELL of California.

H.R. 1522: Mr. ANDREWS of Maine.

H.R. 2223: Mr. PALLONE, Ms. PELOSI, Mr. BROWN, and Mr. KOSTMAYER.

H.R. 2419: Mr. CARR.

H.R. 3137: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 3145: Mr. CAMPBELL of California.

H.R. 3217: Mr. COX of California.

H.R. 3253: Mr. FISH and Mr. SCHIFF.

H.R. 3429: Mr. MURPHY and Mr. SHAYS.

H.R. 3526: Mr. KILDEE, Mr. SOLARZ, and Mr. TORRICELLI.

H.R. 3602: Mr. PAYNE of Virginia.

H.R. 3982: Mr. OLVER.

H.R. 4304: Mr. SLATTERY.

H.R. 4490: Mr. ANDREWS of Maine.

H.R. 4501: Mr. CAMPBELL of California.

H.R. 4585: Mr. DARDEN, Mr. RAY, and Mr. KILDEE.

H.R. 4591: Mr. KOSTMAYER.

H.R. 4600: Mr. CAMPBELL of California.

H.R. 4601: Mr. CAMPBELL of California.

H.R. 4602: Mr. CAMPBELL of California.

H.R. 4604: Mr. CAMPBELL of California.

H.R. 4606: Mr. CAMPBELL of California.

H.R. 4836: Mr. CAMPBELL of California.

H.R. 5004: Mr. CHAPMAN.

H.R. 5020: Mr. DUNCAN, Mr. MARTIN, and Mr. SLATTERY.

H.R. 5153: Mr. ZELIFF.

H.R. 5196: Ms. OAKAR and Mr. SLATTERY.

H.R. 5264: Mr. HAYES of Illinois and Mr. WAXMAN.

H.R. 5282: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5331: Mr. BOEHLERT and Mr. HAMILTON.

H.R. 5443: Mr. LEWIS of Florida and Mr. COX of California.

H.R. 5476: Mr. BEREUTER, Mrs. BYRON, Mr. DIXON, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MILLER of Washington, Mr. SMITH of New Jersey, and Mr. SPENCE.

H.R. 5501: Mr. UPTON.

H.R. 5513: Mr. WELDON, Mr. GOSS, Mr. BATEMAN, and Mr. ALLEN.

H.R. 5550: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5551: Mr. CAMPBELL of California.

H.R. 5553: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5567: Mr. SKEEN, Mr. KLUG, Mr. WELDON, Mr. HANCOCK, Mr. ROE, and Mrs. MEYERS of Kansas.

H.R. 5663: Mr. ANDERSON, Mr. RAVENEL, and Ms. SNOWE.

H.R. 5690: Mr. PORTER, Mr. WALSH, and Mr. WELDON.

H.R. 5711: Mr. PICKETT.

H.R. 5729: Mr. SCHAEFER.

H.R. 5740: Mr. LUKEN and Mr. KENNEDY.

H.R. 5746: Mr. DEFAZIO, Mr. HASTERT, Mrs. VUCANOVICH, Mr. BOEHLERT, Ms. PELOSI, Mr. ROTH, Mr. LAFALCE, Mr. UPTON, Mr. RITTER, and Mr. NEAL of North Carolina.

H.R. 5786: Mrs. JOHNSON of Connecticut.

H.R. 5792: Mrs. MORELLA.

H.R. 5828: Mr. HASTERT, Mr. GINGRICH, Mr. NEAL of North Carolina, and Mr. ROWLAND.

H.R. 5842: Mr. ATKINS, Mr. ACKERMAN, Mr. ALEXANDER, Mr. APPLEGATE, Mr. AUCOIN, Mr. BARNARD, Mr. BERMAN, Mr. BILIRAKIS, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN, Mr. BRYANT, Mrs. BYRON, Mr. BUSTAMANTE, Mr. CAMPBELL of California, Mr. CLINGER, Mr. COOPER, Mr. COX of Illinois, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DICKS, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DOWNEY, Mr. DUNCAN, Mr. EDWARDS of California, Mr. DONNELLY, Mr. ENGEL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEKAS, Mr. GEREN of Texas, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GREEN of New York, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOPKINS, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONTZ, Mr. KANJORSKI, Mr. KASICH, Mrs. KENNELLY, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. LUKEN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mrs. MINK, Mr. MAZZOLI, Mr. MCEWEN, Mr. MILLER of California, Mr. MOORHEAD, Mr. MORAN, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NOWAK, Mr. OBEY, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OXLEY, Mr. PARKER, Mr. PASTOR, Mr. PEASE, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SANDERS, Mr. STARK, Mr. SKEEN, Mr. SCHIFF, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLARZ, Mr. STAGGERS, Mr. STUDDS, Mr. SYNAR, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. THORNTON, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, Mrs. MORELLA, and Mr. RIGGS.

H.R. 5862: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 5872: Mr. LAGOMARSINO, Mr. FROST, Mrs. MINK, Ms. DELAURO, Mr. MORAN, Mrs. BENTLEY, Mr. HORTON, Mr. HAMMERSCHMIDT, Mr. ANDREWS of Maine, Mr. BEVILL, Mr. APPLEGATE, Mr. RICHARDSON, Mr. ARCHER, Mr. BENNETT, Mr. CLEMENT, Mr. COLEMAN of Texas, Ms. HORN, Mr. ESPY, Mr. MONTGOMERY, Mr. BUSTAMANTE, Mr. SCHULZE, Mrs. UNSOELD, Mr. LEVINE of California, Mr. HERTEL, Mr. DYMALLY, Mr. MINETA, Mr. HYDE, Mr. JONTZ, Mr. BONIOR, Mr. BOUCHER, Mr. DONNELLY, Mr. DIXON, Mr. SKEEN, Mr. NATCHER, Mr. CONYERS, Mr. BROWN, and Mr. GUARINI.

H.R. 5946: Mr. HOBSON and Mr. PORTER.

H.R. 5947: Mr. BEREUTER and Mr. SENSENBRENNER.

H.R. 5997: Mr. DUNCAN.

H.R. 6003: Mrs. VUCANOVICH, Mr. GALLO, Mr. LIGHTFOOT, Mr. CRANE, and Mr. GALLEGLY.

H.R. 6039: Mr. FASCELL and Mr. ACKERMAN.

H.J. Res. 399: Mr. MONTGOMERY, Mr. SAVAGE, Mr. ANNUNZIO, Mr. PETERSON of Florida, Mr. COX of California, Mr. HANSEN, Mr. BLAZ, Mr. VANDER JAGT, Mr. RHODES, Mr. MOODY, Mr. HUNTER, Mr. HYDE, Mr. SOLARZ, Mr. CONYERS, Mr. STEARNS, Mr. ROE, Mr. TALLON, Mr. DONNELLY, Mr. KENNEDY, Mr. LENT, Mr. PURSELL, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. HUTTO, Mr. PERKINS, Mr. RAVENEL, Mr. ACKERMAN, Mr. ECKART, Mr. MURPHY, Ms. MOLINARI, Mr. MARTIN, Mr. DAVIS, Mr. SISISKY, Mr. FASCELL, and Mr. DWYER of New Jersey.

H.J. Res. 450: Mrs. UNSOELD.

H.J. Res. 458: Mr. BRUCE, Mr. CHAPMAN, Mr. COYNE, Mr. DICKS, Mr. ECKART, Mr. HOAGLAND, Mr. KENNEDY, Mr. PALLONE, Ms. OAKAR, Mr. SISISKY, Mr. VISCLOSKY, Mr. FRANKS of Connecticut, Mr. HOUGHTON, and Mr. REGULA.

H.J. Res. 461: Mr. KENNEDY.

H.J. Res. 471: Mr. VALENTINE, Mr. WEISS, Mr. FAZIO, Ms. OAKAR, Ms. SLAUGHTER, Mr. HARRIS, Mr. MCCLOSKEY, Mr. ARCHER, Mr. JACOBS, Mr. BROWDER, Mr. MCDERMOTT, Mr. DORGAN of North Dakota, Mr. PASTOR, Mr. STALLINGS, Mr. MCNULTY, Mr. ROBERTS, Mr. MCEWEN, Mr. HALL of Ohio, Mr. LEACH, Mr. YATES, Mr. WALSH, Mr. CARPER, Mrs. MINK, Mr. HENRY, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. HUBBARD, Mr. RANGEL, Mr. DEFAZIO, Mr. MARTIN, Mr. ACKERMAN, Mr. FEIGHAN, Mr. MOODY, Mr. RICHARDSON, Mr. CARDIN, Mr. TANNER, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. PETERSON of Florida, Mr. PARKER, Mr. ROTH, and Mr. WISE.

H.J. Res. 474: Mr. LOWERY of California, Mr. MICHEL, Mr. MILLER of Ohio, Mr. VOLKMER, Mr. HOPKINS, Mr. STUMP, Mr. DELAY, Mr. LIVINGSTON, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. PERKINS, Mr. GONZALEZ, Mr. BROWN, Mr. SLATTERY, Mr. GLICKMAN, Mr. SKEEN, Mr. THOMAS of California, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. RIDGE, Mr. DORNAN of California, Mr. SAXTON, Mr. DOOLEY, Mr. BREWSTER, Mr. LEHMAN of California, Mr. LAROCCO, Mr. WOLF, Mr. IRELAND, Mr. BARRETT, Mr. BALLENGER, Mr. HOBSON, Mr. MCGRATH, Mr. SCHAEFER, Mr. SCHULZE, Mr. LENT, Mr. GILLMOR, Mr. MORRISON, Mr. MCEWEN, Mr. PURSELL, Mrs. JOHNSON of Connecticut, Mr. GALLO, Mr. MOORHEAD, Mr. LEWIS of California, Mr. ENGLISH, Mr. BATEMAN, Mr. CLINGER, Mr. BOEHLERT, Mr. ROGERS, Mr. RITTER, Mr. WYLIE, Mr. BILIRAKIS, and Mr. LEWIS of Florida.

H.J. Res. 479: Mrs. ROUKEMA, Mr. NATCHER, Mr. ZIMMER, Mr. BAKER, Mr. GALLO, Mr. BROOMFIELD, Mr. STENHOLM, Mr. REGULA, Mr. HUTTO, Mr. BLACKWELL, Mr. COLEMAN of Missouri, Mr. GEKAS, Mr. MANTON, Mr. BURTON of Indiana, Ms. HORN, Mr. MCCOLLUM, Mr. PACKARD, Mr. SUNDQUIST, and Mr. NICHOLS.

H.J. Res. 489: Mr. RITTER, Mr. ZIMMER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. SKEEN, Mr. SAXTON, Mr. DELAY, Mr. LIGHTFOOT, Mr. MOODY, Mr. WHITTEN, Mr. LEHMAN of Florida, Mr. BRYANT, Mr. ALEXANDER, Mr. TORRICELLI, Mr. EDWARDS of California, Mr. BRUCE, Mr. STENHOLM, Mr. RAVENEL, Mr. DUNCAN, Mr. JEFFERSON, Mr. ENGEL, Mr. ROE, Mr. BREWSTER, Mr. RAY, Mr. ATKINS, Mr. FASCELL, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. ANTHONY, Mr. VISCLOSKY, Mr. COBLE, Mr. SHARP, Mr. NEAL of North Carolina, Mr. MONTGOMERY, Mr. ANDREWS of Texas, Mr. CAMPBELL of Colorado, Mrs. BYRON, Mr. FLAKE, Mr. MCNULTY, Mr. NOWAK, Mr. GORDON, Mr. TOWNS, Mr. LAUGHLIN, Mr. ZELIFF, Mr. JOHNSON of Texas, Mr. PACKARD, Mr. OXLEY, Mr. DAVIS, and Mr. SKELTON.

H.J. Res. 495: Mr. HALL of Texas, Mr. SUNDQUIST, and Mr. SMITH of New Jersey.

H.J. Res. 530: Mr. RINALDO, Mr. ECKART, Mr. ESPY, Ms. OAKAR, Mr. BURTON of Indiana, Mr. JONTZ, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. SWETT, Mr. RAHALL, Mr. HASTERT, Mr. ANDREWS of New Jersey, Mr. BROWDER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. FORD of Tennessee, Mr. HUNTER, Mr. HYDE, Mr. MINETA, Mr. BILBRAY, Mr. SISISKY, Mr. LEWIS of Florida, Mr. JACOBS, Mr. BACCHUS, Mr. BATEMAN, Mr. SANDERS, Mr. WHEAT, Mr. SOLOMON, Mr. REED, Mr. RAVENEL, Mr. PERKINS, Mr. PAXON, Mr. LEVINE of California, Mr. MANTON, Mr. BUSTAMANTE, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Ms. LONG, Mr. ANDERSON, Mr. ERDREICH, Mr. BRYANT, Mr. MAVROULES, Mr. MONTGOMERY, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. WAXMAN, Mr. WYLIE, Mr. YATRON, Mr. SLATTERY, Mr. LOWERY of California, Mr. KASICH, Mr. COYNE, Mr. DORNAN of California, Mr. SOLARZ, Mr. SAWYER, Mr. WELDON, and Mr. OWENS of New York.

H.J. Res. 531: Mr. MOAKLEY, Mr. RHODES, Mr. MINETA, Mr. ORTIZ, Mr. PORTER, Ms. SNOWE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. SKEEN, and Mr. LEVINE of California.

H.J. Res. 532: Ms. DELAURO.

H.J. Res. 538: Mr. GINGRICH, Mr. MCDADE, Mr. COUGHLIN, Mr. BRUCE, Mr. ROWLAND, Mr. BRYANT, Mr. HYDE, Mr. RIDGE, Mr. REGULA, Mr. BURTON of Indiana, and Mr. ANTHONY.

H.J. Res. 540: Mr. HAMMERSCHMIDT and Mr. QUILLEN.

H.J. Res. 550: Mr. ASPIN, Mr. BLACKWELL, Mrs. BOXER, Mr. BROWDER, Mr. BROWN, Mr. BRUCE, Mr. CARPER, Mr. COLORADO, Mr. COYNE, Mr. DYMALLY, Mr. FAZIO, Mr. FROST, Mr. GEJDENSON, Mr. GEKAS, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Ms. HORN, Mr. HUTTO, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MCGRATH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. NATCHER, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. QUILLEN, Mr. RANGEL, Mr. SANDERS, Mr. SCHEUER, Mr. SIKORSKI, Mr. SKEEN, Mr. SPRATT, Mr. STOKES, and Mr. YATRON.

H.J. Res. 552: Mr. DIXON, Mr. QUILLEN, Mr. MCMILLEN of Maryland, Mr. BACCHUS, Mr. HAYES of Illinois, Mr. BLACKWELL, Mr. RANGEL, Mr. FROST, Mr. ABERCROMBIE, and Mr. SKEEN.

H. Con. Res. 211: Mr. TOWNS.

H. Con. Res. 235: Mr. VISCLOSKY.

H. Con. Res. 344: Mr. JONTZ.

H. Res. 437: Mr. CAMPBELL of California.

H. Res. 470: Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1354: Mr. CHANDLER.